Print Version

Close Window Print

Summary

Reference	EDC/19/0203
Alternative Reference	PP-08323794
Application Received	Thu 28 Nov 2019
Application Validated	Mon 20 Apr 2020
Address	The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal	Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Status	Decided
Decision	Refused
Decision Issued Date	Mon 15 Jun 2020
Appeal Status	Appeal decided
Appeal Decision	Appeal Dismissed

Further Information

Application Type	Change of Use
Decision	Refused
Actual Decision Level	Delegated Decision
Expected Decision Level	Not Available
Case Officer	Michael Fishpool
Parish	Swanscombe & Greenhithe T.C.
Ward	Swanscombe
District Reference	Not Available

Applicant Name	Mr Abdul Mumtaz
Agent Name	Mr Fergus Sykes
Agent Company Name	Pegasus Group
Agent Address	First Floor South Wing Equinox North Great Park Road Almondsbury Bristol BS32 4QL
Environmental Assessment Requested	No

Contacts

Agent

Mr Fergus Sykes

Email Address	fergus.sykes@pegasusgroup.co.uk
Phone Number	01454 454098

Ward Councillors

Councillor Emma-Louise Moussa

Address	C/o Civic Centre Home Gardens Dartford Kent DA1 1DR

Councillor Claire Pearce

Address	C/o Civic Centre Home Gardens Dartford Kent DA1 1DR

Important Dates

Application Received Date	Thu 28 Nov 2019
Application Validated Date	Mon 20 Apr 2020
Expiry Date	Wed 03 Jun 2020
Actual Committee Date	Not Available
Latest Neighbour Consultation Date	Wed 13 May 2020
Neighbour Consultation Expiry Date	Wed 03 Jun 2020
Standard Consultation Date	Wed 06 May 2020

Standard Consultation Expiry Date	Tue 02 Jun 2020
Last Advertised In Press Date	Not Available
Latest Advertisement Expiry Date	Not Available
Last Site Notice Posted Date	Wed 13 May 2020
Latest Site Notice Expiry Date	Wed 03 Jun 2020
Internal Target Date	Mon 01 Jun 2020
Agreed Expiry Date	Not Available
Decision Made Date	Mon 15 Jun 2020
Decision Issued Date	Mon 15 Jun 2020
Permission Expiry Date	Not Available
Decision Printed Date	Not Available
Environmental Impact Assessment Received	Not Available
Determination Deadline	Mon 15 Jun 2020
Temporary Permission Expiry Date	Not Available

Related Information

There are 148 documents associated with this application.

There is 1 case associated with this application.

There are 2 properties associated with this application.

Ebbsfleet Development Corporation
North Kent Police Station
Thames Way
Northfleet
Gravesend
Kent
DA11 8BD
www.ebbsfleetdc.org.uk

Application for Planning Permission.
Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number	
Suffix	
Property name	The George And Dragon
Address line 1	1 London Road
Address line 2	
Address line 3	
Town/city	Swanscombe
Postcode	DA10 0LQ

Description of site location must be completed if postcode is not known:

Easting (x)	560520
Northing (y)	174854

Description

2. Applicant Details

Title	Mr
First name	Abdul
Surname	Mumtaz
Company name	Zaan Limited
Address line 1	28 London Road
Address line 2	
Address line 3	
Town/city	Gillingham
Country	UK

2. Applicant Details

Postcode	ME8 6YX
Primary number	
Secondary number	
Fax number	
Email address	

Are you an agent acting on behalf of the applicant? (•) Yes ( ) No

3. Agent Details

Title	Mr
First name	Samuel
Surname	Bowman
Company name	Cook Associates Design Studio LLP
Address line 1	Capital House
Address line 2	3 Jubilee Way
Address line 3	
Town/city	Faversham
Country	United Kingdom
Postcode	ME13 8GD
Primary number	
Secondary number	
Fax number	
Email	

4. Site Area

What is the measurement of the site area? (numeric characters only).	625
Unit	sq.metres

5. Description of the Proposal

Please describe details of the proposed development or works including any change of use.

If you are applying for Technical Details Consent on a site that has been granted Permission In Principle, please include the relevant details in the description below.

Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use)

Has the work or change of use already started? ( ) Yes (•) No

6. Existing Use

Please describe the current use of the site

Vacant property

Is the site currently vacant? (•) Yes ( ) No

If Yes, please describe the last use of the site

A4 Public House

When did this use end (if known)? DD/MM/YYYY

Does the proposal involve any of the following? If Yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated ( ) Yes (•) No

Land where contamination is suspected for all or part of the site ( ) Yes (•) No

A proposed use that would be particularly vulnerable to the presence of contamination ( ) Yes (•) No

7. Materials

Does the proposed development require any materials to be used? ( ) Yes (•) No

8. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicular access proposed to or from the public highway? ( ) Yes (•) No

Is a new or altered pedestrian access proposed to or from the public highway? ( ) Yes (•) No

Are there any new public roads to be provided within the site? ( ) Yes (•) No

Are there any new public rights of way to be provided within or adjacent to the site? ( ) Yes (•) No

Do the proposals require any diversions/extinguishments and/or creation of rights of way? ( ) Yes (•) No

9. Vehicle Parking

Is vehicle parking relevant to this proposal? (•) Yes ( ) No

Please provide information on the existing and proposed number of on-site parking spaces

Type of vehicle	Existing number of spaces	Total proposed (including spaces retained)	Difference in spaces
Cars	10	10	0
Cycle spaces	0	4	4

10. Trees and Hedges

Are there trees or hedges on the proposed development site? ( ) Yes (•) No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? ( ) Yes (•) No

If Yes to either or both of the above, you may need to provide a full tree survey, at the discretion of your local planning authority. If a tree survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

11. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.) ○ Yes ◉ No

If Yes, you will need to submit a Flood Risk Assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)? ○ Yes ◉ No

Will the proposal increase the flood risk elsewhere? ○ Yes ◉ No

How will surface water be disposed of?

- ☐ Sustainable drainage system
- ☐ Existing water course
- ☐ Soakaway
- ☑ Main sewer
- ☐ Pond/lake

12. Biodiversity and Geological Conservation

Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

To assist in answering this question correctly, please refer to the help text which provides guidance on determining if any important biodiversity or geological conservation features may be present or nearby; and whether they are likely to be affected by the proposals.

a) Protected and priority species:

- ○ Yes, on the development site
- ○ Yes, on land adjacent to or near the proposed development
- ◉ No

b) Designated sites, important habitats or other biodiversity features:

- ○ Yes, on the development site
- ○ Yes, on land adjacent to or near the proposed development
- ◉ No

c) Features of geological conservation importance:

- ○ Yes, on the development site
- ○ Yes, on land adjacent to or near the proposed development
- ◉ No

13. Foul Sewage

Please state how foul sewage is to be disposed of:

- ☑ Mains Sewer
- ☐ Septic Tank
- ☐ Package Treatment plant
- ☐ Cess Pit
- ☐ Other
- ☐ Unknown

Are you proposing to connect to the existing drainage system? ◉ Yes ○ No ○ Unknown

If Yes, please include the details of the existing system on the application drawings. Please state the plan(s)/drawing(s) references.

As existing - remains unchanged

14. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? ◉ Yes ○ No

If Yes, please provide details:

Refer to the Existing Site Plan

Have arrangements been made for the separate storage and collection of recyclable waste? ◉ Yes ○ No

If Yes, please provide details:

Refer to Existing Site Plan

15. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or trade waste? ○ Yes ◉ No

16. Residential/Dwelling Units

Due to changes in the information requirements for this question that are not currently available on the system, if you need to supply details of Residential/Dwelling Units for your application please follow these steps:

1. Answer 'No' to the question below;
2. Download and complete this supplementary information template (PDF);
3. Upload it as a supporting document on this application, using the 'Supplementary information template' document type.

This will provide the local authority with the required information to validate and determine your application.

Does your proposal include the gain, loss or change of use of residential units? ○ Yes ◉ No

17. All Types of Development: Non-Residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace? ◉ Yes ○ No

If you have answered Yes to the question above please add details in the following table:

Use Class	Existing gross internal floorspace (square metres)	Gross internal floorspace to be lost by change of use or demolition (square metres)	Total gross new internal floorspace proposed (including changes of use) (square metres)	Net additional gross internal floorspace following development (square metres)
A4 - Drinking establishments	399	399	0	-399
A5 - Hot food takeaways	0	0	399	399
Total	399	399	399	0

For hotels, residential institutions and hostels please additionally indicate the loss or gain of rooms:

18. Employment

Will the proposed development require the employment of any staff? ◉ Yes ○ No

Please complete the following information regarding employees:

Type	Full-time	Part-time	Equivalent number of full-time
Proposed employees	4	8	8

19. Hours of Opening

Are Hours of Opening relevant to this proposal? ◉ Yes ○ No

If known, please state the hours of opening (e.g. 15:30) for each non-residential use proposed:

Use	Monday to Friday	Saturday	Sunday and Bank Holidays	Unknown
A5 - Hot food takeaways	Start Time: 10:30 End Time: 23:59	Start Time: 10:30 End Time: 23:59	Start Time: 10:30 End Time: 23:59	

20. Industrial or Commercial Processes and Machinery

Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

N/A

Is the proposal for a waste management development? ○ Yes ◉ No

If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make it clear what information it requires on its website

21. Hazardous Substances

Does the proposal involve the use or storage of any hazardous substances? ○ Yes ◉ No

22. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ◉ Yes ○ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ◉ The agent
- ○ The applicant
- ○ Other person

23. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ◉ Yes ○ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title	
First name	
Surname	
Reference	EDC/19/0100

Date (Must be pre-application submission)

15/07/2019

Details of the pre-application advice received

Included with this application

24. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

○ Yes ◉ No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

25. Ownership Certificates and Agricultural Land Declaration

CERTIFICATE OF OWNERSHIP - CERTIFICATE A - Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

*** 'owner' is a person with a freehold interest or leasehold interest with at least 7 years left to run. ** 'agricultural holding' has the meaning given by reference to the definition of 'agricultural tenant' in section 65(8) of the Act.**

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person role

○ The applicant
◉ The agent

Title	Mr
First name	Samuel
Surname	Bowman
Declaration date (DD/MM/YYYY)	27/11/2019

☑ Declaration made

26. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them. ☑

Date (cannot be pre-application)	27/11/2019

This form should be saved to your device and then completed using the free Adobe Acrobat Reader application or full version of Adobe Acrobat. Many internet browsers and other applications can display PDF files, but we cannot guarantee their compatibility in regard to these forms. We specifically advise users of Apple devices not to use 'Preview' because of known issues.

Community Infrastructure Levy (CIL) - Form 1: CIL Additional Information

Determining whether a Development may be CIL Liable - For submission with Planning Application

Please note: This version of the form should only be used for submissions relating to planning applications in England.
There is a legacy version of the form for use in Wales: Download the legacy version of this form

Following the introduction of the Community Infrastructure Levy (CIL) all applicants for full planning permission, including householder applications and reserved matters following an outline planning permission, and applicants for lawful development certificates are required to provide the following information.

Please read the associated Guidance Note before you complete the form. This and additional per-question help can be viewed at: https://ecab.planningportal.co.uk/uploads/1app/cil_guidance.pdf

Please complete the form using block capitals and black ink and send to the Collecting Authority.

See Planning Practice Guidance for CIL for guidance on CIL generally, including exemption or relief.

Privacy Notice

This form is provided by Planning Portal and based on the requirements provided by Government for the sole purpose of submitting information to a Local Authority in accordance with the 'The Community Infrastructure Levy Regulations 2010 (as amended)'.

Please be aware that once you have downloaded this form, Planning Portal will have no access to the form or the data you enter into it (unless you choose to upload it to any Planning Portal online service in agreement with the relevant terms and conditions). Any subsequent use of this form is solely at your discretion, including the choice to complete and submit it to a Local Authority with the declaration section.

Upon receipt of this form and any supporting information, it is the responsibility of the Local Authority to inform you of its obligations in regards to the processing of this information. Please refer to its website for further information on any legal, regulatory and commercial requirements relating to information security and data protection of the information you have provided.

1. Application Details

Applicant or Agent Name:

AGENT - Cook Associates Design Studio LLP

Planning Portal Reference (if applicable): PP-08323794

Local authority planning application number (if allocated):

Site Address:

The George and Dragon PH
1 London Road
Swanscombe
Kent
DA10 0LQ

Description of development:

Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and takeaway (A5 restricted use)

2. Applications to Remove or Vary Conditions on an Existing Planning Permission

a) Does the application seek to remove or vary conditions on an existing planning permission (i.e. Is it a Section 73 application)?

Yes
If 'Yes', please complete the rest of this question ☐

No
If 'No', you can skip to Question 3 ☒

b) Please enter the application reference number

c) Does the application involve a change in the amount or use of new build development, where the total (including that previously granted planning permission) is over 100 square metres gross internal area?

Yes ☐ No ☐

d) Does the application involve a change in the amount of gross internal area where one or more new dwellings (including residential annexes) are to be created, either through new build or conversion (except the conversion of a single dwelling house into two or more separate dwellings with no additional gross internal area created)?

Yes ☐ No ☐

If you answered 'Yes' to either c) or d), please go to Question 5

If you answered 'No' to both c) and d), you can skip to Question 8

3. Reserved Matters Applications

a) Does the application relate to details or reserved matters on an existing permission that was granted prior to the introduction of the CIL charge in the relevant local authority area?

Yes
If 'Yes', please complete the rest of this question ☐

No
If 'No', you can skip to Question 4 ☒

b) Please enter the application reference number

If you answered 'Yes' to a), you can skip to Question 8

If you answered 'No' to a), please go to Question 4

4. Liability for CIL

a) Does the application include new build development (including extensions and replacement) of 100 square metres gross internal area or above?

Yes ☐ No ☒

b) Does the application include creation of one or more new dwellings (including residential annexes) either through new build or conversion (except the conversion of a single dwelling house into two or more separate dwellings with no additional gross internal area created)?

Yes ☐ No ☒

If you answered 'Yes' to either a) or b), please go to Question 5

If you answered 'No' to both a) and b), you can skip to Question 8

5. Exemption or Relief

a) Is the site owned by a charity where the development will be wholly or mainly for charitable purposes, and the development will be either occupied by or under the control of a charitable institution?

Yes ☐ No ☐

b) Does the proposed development include affordable housing which qualifies for mandatory or discretionary Social Housing relief?

Yes ☐ No ☐

If you answered 'Yes' to either a) or b), please note that you will need to complete 'CIL Form 10: Charitable and/or Social Housing Relief Claim'. The form must be submitted to the Collecting Authority, and any relief must be granted by them, prior to the commencement of the development. Otherwise the full CIL charge will be payable.

A Commencement (of development) Notice (CIL Form 6) must also be received by the Collecting Authority prior to the commencement of the development otherwise:

- *If your CIL Liability Notice was issued on or after 1 September 2019*
  A surcharge equal to 20% of the notional CIL chargeable amount or £2,500, whichever is the lower amount, will be incurred; or
- *If your CIL Liability Notice was issued prior to 1 September 2019*
  The relief previously granted will be rescinded and the full levy charge will be payable.

You will also need to complete 'CIL Form 10: Charitable and/or Social Housing Relief Claim' if you think you are eligible for discretionary charitable relief, or discretionary social housing relief (if this is available in your area).

If you wish to claim exceptional circumstances relief, and if the charging authority have made exceptional circumstances relief available in their area (please check their website for details), you will need to complete 'CIL Form 11: Exceptional Circumstances Relief Claim'. The form must be submitted to the Collecting Authority, AND any relief must be granted by them, prior to the commencement of the development. Otherwise the full CIL charge will be payable.

All CIL Forms are available from: www.planningportal.co.uk/cil

c) Do you wish to claim a self build exemption for a whole new home?

Yes ☐ No ☐

If you have answered 'Yes' to c), please note that you will need to complete 'CIL Form 7: Self Build Exemption Claim - Part 1'. This form must be submitted to the Collecting Authority, and any exemption must be granted by them, prior to the commencement of the development. Otherwise the full CIL charge will be payable.

A Commencement (of development) Notice (CIL Form 6) must also be received by the Collecting Authority prior to the commencement of the development otherwise:

- *If your CIL Liability Notice was issued on or after 1 September 2019*
  A surcharge equal to 20% of the notional CIL chargeable amount or £2,500, whichever is the lower amount, will be incurred; or
- *If your CIL Liability Notice was issued prior to 1 September 2019*
  The exemption previously granted will be rescinded and the full levy charge will be payable.

All CIL Forms are available from: www.planningportal.co.uk/cil

d) Do you wish to claim an exemption for a residential annex or extension?

Yes ☐ No ☐

If you have answered 'Yes' to d), please note that you will need to complete either 'CIL Form 8: Residential Annex Exemption Claim' or 'CIL Form 9: Residential Extension Exemption Claim'. The relevant form must be submitted to the Collecting Authority, and any exemption must be granted by them, prior to the commencement of the development. Otherwise the full CIL charge will be payable.

In respect of a residential annex, a Commencement (of development) Notice (CIL Form 6) must also be received by the Collecting Authority prior to the commencement of the development otherwise:

- *If your CIL Liability Notice was issued on or after 1 September 2019*
  A surcharge equal to 20% of the notional CIL chargeable amount or £2,500, whichever is the lower amount, will be incurred; or
- *If your CIL Liability Notice was issued prior to 1 September 2019*
  The exemption previously granted will be rescinded and the full levy charge will be payable.

All CIL Forms are available from: www.planningportal.co.uk/cil

6. Proposed New Gross Internal Area

a) Does the application involve new residential development (including new dwellings, extensions, conversions/changes of use, garages, basements or any other buildings ancillary to residential use)?

Please note, conversion of a single dwelling house into two or more separate dwellings (without extending them) is not liable for CIL. If this is the sole purpose of your development proposal, you should answer 'No' to Question 4b above.

Yes ☐ No ☐

If yes, please complete the table in section 6c below, providing the requested information, including the gross internal area relating to new dwellings, extensions, conversions, garages or any other buildings ancillary to residential use.

b) Does the application involve new non-residential development?

Yes ☐ No ☐

If yes, please complete the table in section 6c below, using the information from your planning application.

c) Proposed gross internal area:

Development type	(i) Existing gross internal area (square metres)	(ii) Gross internal area to be lost by change of use or demolition (square metres)	(iii) Total gross internal area proposed (including change of use, basements, and ancillary buildings) (square metres)	(iv)Net additional gross internal area following development (square metres) (iv) = (iii) - (ii)
Market Housing (if known)				
Social Housing, including shared ownership housing (if known)				
Total residential				
Total non-residential				
Grand total				

7. Existing Buildings

a) How many existing buildings on the site will be retained, demolished or partially demolished as part of the development proposed?

Number of buildings:

b) Please state for each existing building/part of an existing building that is to be retained or demolished, the gross internal area that is to be retained and/or demolished and whether all or part of each building has been in use for a continuous period of at least six months within the past thirty six months. Any existing buildings into which people do not usually go or only go into intermittently for the purposes of inspecting or maintaining plant or machinery, or which were granted temporary planning permission should not be included here, but should be included in the table in section 7c.

	Brief description of existing building/part of existing building to be retained or demolished.	Gross internal area (sqm) to be retained.	Proposed use of retained gross internal area.	Gross internal area (sqm) to be demolished.	Was the building or part of the building occupied for its lawful use for 6 continuous months of the 36 previous months (excluding temporary permissions)?		When was the building last occupied for its lawful use? Please enter the date (dd/mm/yyyy) or tick still in use.
1					Yes ☐	No ☐	Date: or Still in use: ☐
2					Yes ☐	No ☐	Date: or Still in use: ☐
3					Yes ☐	No ☐	Date: or Still in use: ☐
4					Yes ☐	No ☐	Date: or Still in use: ☐
Total floorspace							

7. Existing Buildings (continued)

c) Does the development proposal include the retention, demolition or partial demolition of any whole buildings which people do not usually go into or only go into intermittently for the purposes of inspecting or maintaining plant or machinery, or which were granted planning permission for a temporary period?

Yes ☐ No ☐

If yes, please complete the following table:

	Brief description of existing building (as per above description) to be retained or demolished.	Gross internal area (sqm) to be retained	Proposed use of retained gross internal area	Gross internal area (sqm) to be demolished
1				
2				
3				
4				
Total of which people do not normally go into, only go intermittently to inspect or maintain plant or machinery, or which was granted temporary planning permission				

d) If the development proposal involves the conversion of an existing building, will it be creating a new mezzanine floor within the existing building?

Yes ☐ No ☐

If Yes, how much of the gross internal area proposed will be created by the mezzanine floor?

Use	Mezzanine gross internal area (sqm)

8. Declaration

I/we confirm that the details given are correct.

Name:

Samuel Bowman

Date (DD/MM/YYYY). Date cannot be pre-application:

27/11/2019

It is an offence for a person to knowingly or recklessly supply information which is false or misleading in a material respect to a collecting or charging authority in response to a requirement under the Community Infrastructure Levy Regulations (2010) as amended (regulation 110, SI 2010/948). A person guilty of an offence under this regulation may face unlimited fines, two years imprisonment, or both.

For local authority use only

Application reference:

For official use only (date received): 15/09/2020 16:15:12

The Planning Inspectorate

PLANNING APPEAL FORM (Online Version)

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

Appeal Reference: APP/J2285/W/20/3259455

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	Mr A Mumtaz
Address	c/o Agent Bristol BS32 4QL

Preferred contact method — Email ☑ Post ☐

B. AGENT DETAILS

Do you have an Agent acting on your behalf? — Yes ☑ No ☐

Name	Mr Fergus Sykes
Company/Group Name	Pegasus Group
Address	Pegasus Planning Group Ltd, Equinox North Great Park Road, Almondsbury BRISTOL BS32 4QL
Phone number	01454 625945
Fax number	01454 618074
Email	fergus.sykes@pegasusgroup.co.uk
Your reference	P19-1774

Preferred contact method — Email ☑ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Ebbsfleet Development Corporation
LPA reference number	EDC/19/0203

Date of the application	28/11/2019				
Did the LPA validate and register your application?		Yes	☑	No	☐
Did the LPA issue a decision?		Yes	☑	No	☐
Date of LPA's decision	15/06/2020				

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?		Yes	☐	No	☑
Does the appeal relate to an existing property?		Yes	☑	No	☐
Address	George & Dragon 1 London Road SWANSCOMBE DA10 0LQ				
Is the appeal site within a Green Belt?		Yes	☐	No	☑
Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?		Yes	☐	No	☑

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?		Yes	☐	No	☑

Please enter details of the proposed development. This should normally be taken from the planning application form.

Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.

Does the proposal include demolition of non-listed buildings within a conservation area?		Yes	☐	No	☑

F. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused planning permission for the development.	☑
2. Refused permission to vary or remove a condition(s).	☐
3. Refused prior approval of permitted development rights.	☐
4. Granted planning permission for the development subject to conditions to which you object.	☐
5. Refused approval of the matters reserved under an outline planning permission.	☐
6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.	☐
7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above).	☐
8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.	☐
9. Failed to give notice of its decision within the appropriate period because of a dispute over	☐

provision of local list documentation.

G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations	☑

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land?	Yes	☑ No	☐
(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts?	Yes	☐ No	☑

2. Hearing	☐
3. Inquiry	☐

H. FULL STATEMENT OF CASE

☑ see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case?	Yes	☐ No	☑
(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available)	Yes	☐ No	☑
(b) Have you made a costs application with this appeal?	Yes	☐ No	☑

I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;	☑

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:	☐

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.	☐

I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.	☑
(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.	☐
(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.	☐

J. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA. ☑

02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (if these did not form part of the LPA's planning application form). ☐

03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. ☑

04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. ☑

05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. ☑

05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA. ☑

05.(c) A list of all plans, drawings and documents upon which the LPA made their decision. ☐

06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application. ☑

06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application. ☐

07. A copy of the design and access statement sent to the LPA (if required). ☐

08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure. ☐

09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion. ☑

09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA. ☐

10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. ☐

11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:

(a) the relevant outline application; ☐

(b) all plans sent at outline application stage; ☐

(c) the original outline planning permission. ☐

12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached. ☐

13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). ☐

14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application. ☐

K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes ☐ No ☑

L. CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledege.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

Signature	Mr Fergus Sykes
Date	15/09/2020 16:16:10
Name	Mr Fergus Sykes
On behalf of	Mr A Mumtaz

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018. Further information about our Data Protection policy can be found on our website under Privacy Statement.

M. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:

  https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

You will not be sent any further reminders.

The documents listed below were uploaded with this form:

Relates to Section:	FULL STATEMENT OF CASE
Document Description:	A copy of the full statement of case.
File name:	P19-1774 Appeal Statement 2020.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application sent to the LPA.
File name:	Application Form.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
File name:	Decision Notice EDC.19.0203.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	Site Location Plan.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	First and Second Floor Plans.pdf
File name:	CIL Form.pdf
File name:	Marketing Information.pdf
File name:	Existing Elevations.pdf
File name:	Basement and GF Plans.pdf
File name:	Design and Access Statement.pdf
File name:	Flood map for planning.pdf
File name:	Copy of Pre-Application Response.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name:	P19-1774 PINS Cover Letter FS 15.09.20.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	06.a. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
File name:	Revised Site Location Plan.pdf
File name:	Proposed First and Second Floor Plans.pdf

File name:	Revised Existing First and Seconf Floor Plans.pdf
File name:	Sequential Sites Assessment Feb 20.pdf
File name:	Revised Basement and Ground Floor Plan.pdf
File name:	Transport Note Feb 20.pdf
File name:	Marketing Information March 2020.pdf
File name:	Proposed Site Plan.pdf
File name:	Proposed Basement and Ground Floor Plans.pdf
File name:	Proposed Elevations.pdf
File name:	Revised Existing Elevations.pdf
File name:	Email from FS 15.06.2020.pdf
File name:	Comments on Marketing 20.05.20.pdf
File name:	Email dated 11 June 2020.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	09.a. Copies of additional plans, drawings or documents relating to the application not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.
File name:	Transport Statement of Case 2984.PR01.pdf
Completed by	MR FERGUS SYKES
Date	15/09/2020 16:16:10

From: Emma Morrison <e[redacted]
Sent: 20 May 2020 16:22
To: Michael Fishpool <[redacted]
Cc: Fergus Sykes <[redacted]
Subject: RE: George and Dragon, London Road, Swanscombe, DA10 0LQ

Dear Michael,

Your email of 20 April raised concerns about the loss of the public house at London Road, Swanscombe. They generally related to:

- the duration of the marketing exercise;
- the justification for the asking price; and
- the validity of marketing during social distancing.

The marketing of the site began in August 2019. It is considered that 9 months' active marketing with no interest in the site for a public house occupier should be sufficient to demonstrate that there is no reasonable likelihood of the site being occupied as a pub in the near future. Whilst it is acknowledged that the marketing period is somewhat less than desired, The Glossary to the Development Policies DPD states that effective marketing means *"continuous proactive marketing for an appropriate period,* ***but not exceeding*** *12 months." [my emphasis]* therefore 12 months is a desirable maximum, but not stated as a strictly minimum requirement and site specific concerns can be taken into account here. This was confirmed in the pre-application advice received by the Applicant, and further justification is provided within the Design and Access Statement submitted in support of the application. There are other factors that should be considered in this matter, not least the continued vacancy of the land, and the need for investment in Swanscombe in the current climate (as for towns across the Country). It is likely that vacancy rates will be increasing across the Country as a result of the recession caused by the Covid-19 pandemic. As such, to have the potential occupation of a currently vacant site is not to be dismissed, even if it is not for a community use which may be considered preferable.

It is not considered that the local community will be adversely affected by the loss of the public house, with alternative premises approximately 230 metres to the south of the site (The Wheatsheaf) and other public houses within Swanscombe which are further away, but still within easy reach for local residents.

It should also be considered that the Government has granted temporary rights for public houses to operate as takeaway (Class A5) uses until 23 March 2021 through the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020 to help to serve local communities while social distancing is in action – it is expected that takeaways will be important community services for some time to come as restaurants reopen as takeaways and social distancing continues. Thus, the George & Dragon could be occupied as a Class A5 hot food takeaway by the applicant (and therefore the public house use would temporarily be lost) under the current temporary PD rights until March 2021 with only the need to inform the Council of their intention.

In terms of the asking price, Sidney Phillips, the estate agent marketing the property is a reputable agency with 7 regional offices which specialises in licenced premises sales. The valuation has been based on the prevailing market conditions and site-specific considerations on the basis of their specialist knowledge. As such, it is considered that, in the absence of evidence to the contrary, it can be trusted that the asking price as justified within the Marketing Report is appropriate for the site.

As to the question of whether marketing during the 'lockdown' should count due to social distancing, it is our experience that acquisitions are continuing, albeit they are progressing at a slower pace, with potential purchasers still able (and often more likely) to peruse commercial property sites on the internet from their home and make the necessary enquiries. It is ultimately more important at this time to remove barriers to economic development where appropriate and to discount marketing during this time would, to me, appear obstructive.

It is considered that the proposed change of use would enable the reoccupation of a vacant unit, providing a new service to the local community which will continue to be well served by alternative public houses. Therefore the proposals comply with the aims of Policy DP21.

Apologies for the delay in coming back to you on this. I hope the information is acceptable but look forward to hearing your thoughts.

Kind regards,

Emma Morrison
Planning Assistant
Pegasus Group
PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | HERITAGE
First Floor | South Wing | Equinox North | Great Park Road | Almondsbury | Bristol | BS32 4QL
[redacted]
Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester | Newcastle |
Peterborough | Dublin

www.pegasusgroup.co.uk

Pegasus Group is the trading name of Pegasus Planning Group Ltd [07277000] registered in England and Wales.
This email and any associated files, is intended for the exclusive use of the addressee only.
If you are not the intended recipient you should not use the contents nor disclose them to any other person.
If you have received this message in error please notify us immediately. We have updated our Privacy Statement in line with the GDPR; please click here to view it.

Please consider the environment before printing this email message.
IMPORTANT INFORMATION REGARDING PEGASUS GROUP & CORONAVIRUS / COVID-19

FS/P19-1774

15 September 2020

The Planning Inspectorate
Room 3J Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Dear Sir/Madam

Town and Country Planning Act 1990 (As Amended)
Planning Appeal Against the Refusal of Full Planning Permission ref: EDC/19/0203
The George and Dragon Public House, London Road, Swanscombe, DA10 0LQ

Pegasus Group is instructed by Mr A Mumtaz to submit an appeal against the decision of Ebbsfleet Development Corporation to refuse planning permission for the following development at the above address:

> *"Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct."*

Accordingly, the following documentation has been submitted online via the Planning Portal:

1. The Appeal Forms;

2. A copy of the Decision Notice (ref: EDC/19/0203);

3. The original Full Planning Application documents, dated 27 November 2019:

    i. The application form, including the relevant Ownership and Agricultural Holding Certificates;
    ii. Site Location Plan (Drg. No. 001);
    iii. Basement and Ground Floor Plans (Drg. No. 002);
    iv. First and Second Floor Plans (Drg. No. 003);
    v. Existing Elevations (Drg. No. 004);
    vi. Design and Access Statement;
    vii. Flood Map for Planning;
    viii. Marketing Information, dated 19 November 2019;
    ix. Copy of Council's Pre-Application Response;
    x. CIL Additional Information Form;

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales Registered Office: Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT

4. Revised Planning Application documents, dated 7 May 2020;

    i. Site Location Plan (Drg. No. 001 Rev A);
    ii. Existing Basement and Ground Floor Plans (Drg. No. 002 Rev A);
    iii. Existing First and Second Floor Plans (Drg. No. 003 Rev A);
    iv. Existing Elevations (Drg. No. 004 Rev A);
    v. Proposed Site Plan (Drg. No. 005);
    vi. Proposed Basement and Ground Floor Plans (Drg. No. 006);
    vii. Proposed First and Second Floor Plans (Drg. No. 007);
    viii. Proposed Elevations (Drg. No. 008);
    ix. Transport Note, prepared by Eddisons;
    xi. Sequential Sites Assessment, prepared by Pegasus Group;
    Xii. Revised Marketing Information dated March 2020;

5. Email Correspondence, dated 20 May 2020;

6. Email Correspondence, dated 11 June 2020;

7. Email Correspondence, dated 15 June 2020;

8. Appeal Statement of Case (including the Grounds of Appeal), prepared by Pegasus Group; and

9. Transport Appeal Statement of Case, prepared by Eddisons.

Ebbsfleet Borough Council have been made aware that an appeal has been submitted in relation to the refusal and have been sent copies of all of the documents which were not submitted as part of the planning application, including the Appeal Forms and the Appeal Statement of Case (which sets out the grounds of appeal).

It has been requested that this appeal is dealt with via the written representations procedure. It is considered that this is the most appropriate procedure of dealing with this appeal.

I trust that this is sufficient to register the appeal as valid and I look forward to hearing confirmation of this. However, if you require any further information please do not hesitate to contact me.

Yours faithfully

[redacted]

Fergus Sykes
Principal Planner
e-mail: fergus.sykes@pegasusgroup.co.uk

The Planning Inspectorate

Appeal Decision

Site visit made on 14 September 2021

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/J2285/W/20/3259455
The George and Dragon, London Road, Swanscombe DA10 0LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Abdul Mumtaz (Zaan Limited) against the decision of Ebbsfleet Development Corporation.
- The application Ref EDC/19/0203, dated 27 November 2019, was refused by notice dated 15 June 2020.
- The development proposed is change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development shown on the appeal form is different to that on the application form. As such, and because the Development Corporation took account of the updated version in reaching its decision, the above heading reflects the most recent description.

3. The site lies within the Borough of Dartford and, therefore, the development plan comprises the adopted Dartford Core Strategy 2011 and the Dartford Development Policies Plan 2017. I have had regard to the representations of Dartford Borough Council as the plan-making authority. I note that the site lies within the Swanscombe Peninsula Major Development Site as identified in the Ebbsfleet Implementation Framework.

4. A revised version of the National Planning Policy Framework (the Framework) was issued in July 2021. The parties were given the opportunity to comment on any implications with regard to the current appeal and I have had regard to the comments made.

5. Changes to the Use Classes Order since the application was made mean that both the existing use (formerly A4) and proposed use (formerly A5) are both now *sui generis* uses[1].

[1] The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amend the Town and Country Planning (Use Classes) Order 1987 and came into force on 1 September 2020.

Main Issues

6. The main issues are:
   - the effect of the proposal on the availability of community facilities;
   - having regard to national and local policies, whether the appeal site would be an appropriate location for the proposed use; and
   - whether adequate on-site parking would be provided and related to this, the effect on highway safety and nearby residents' living conditions, with regard to noise and disturbance.

Reasons

Availability of Community Facilities

7. The supporting text to Policy DP21 of the Dartford Development Policies Plan 2017 (DPP) says community facilities include facilities often valued by the community, such as public houses and post offices that are well-established within the locality where there is a reasonable possibility of the building being reused to provide community services. For a change of use to a non-community use as proposed here to be permitted, the policy requires clear evidence that the facility is shown to be not needed by the community; and that all reasonable efforts have been made to preserve a community use.

8. The Framework says that planning policies and decisions should plan positively for the provision and use of shared spaces and community facilities, such as public houses amongst other uses; and should guard against the unnecessary loss of valued facilities and services[2]. With regard to evidence of whether the facility is needed or not by the community, the supporting text to Policy DP21 says that planning decisions will reflect evidence of need/demand for facilities, including consideration of the size, range and quality of existing facilities.

9. The proposal attracted a large number of representations from interested parties, many of them local residents. As the appellant contends, the majority of these object to the proposed takeaway for a range of reasons. However, a substantive proportion also refer to the public house being well-established, raise objections to its loss and/or state that the building should continue to be used for a community purpose. Some also refer to the loss of other public houses within Swanscombe. The appellant refers to three alternative public houses, which serve the local catchment. However, the only specific example given is the Wheatsheaf, which is on the High Street some 750 metres from the appeal site. This is temporarily closed according to the appellant, but recently at the time of the inspection I observed that the building is boarded up, falling into some disrepair and shows no apparent signs of re-opening. The Development Corporation refers to the loss of three named public houses in the last ten years.

10. While there have been no apparent approaches for the building to be listed as an Asset of Community Value, neither Policy DP21 nor the Framework make this a specific requirement when considering the potential loss of well-established and valued facilities. Therefore, based on the available evidence, particularly the views of interested parties and the apparent lack of existing public houses,

[2] Paragraph 93.

it is not possible to conclude that there is clear evidence that the facility has been shown to be not needed by the community.

11. Turning to the requirement in Policy DP21 that all reasonable efforts have been made to preserve a community use, the principal evidence provided by the appellant relates to commercial marketing of the property. The glossary to the DPP defines effective marketing, including the appropriate period and approach.

12. The appellant indicates that the property was marketed initially for nine months and also following the determination of the application, giving a total of 12 months, which accords with the optimum period in the glossary. In response to the Development Corporation's concerns, the marketing was undertaken by a professional agent and the correspondence provided demonstrates 'an appropriate range of online, on site and other advertising media', as required. The fact that this was proactive is demonstrated by reference to regular e-marketing campaigns sent to registered buyers.

13. With regard to comparisons of marketing of the Alma public house by the same agent, from the available information I have no basis to question the marketing approach, including the price sought, by a reputable agent based on professional judgement and experience. I give some weight to the fact that the marketing took place during a period of economic uncertainty created by the Covid-19 pandemic. Nonetheless, it remains the case that the marketing resulted in no direct commercial offers related to reuse of the building as a public house or for another community use. For the purposes of this appeal, I give little weight to its potential reuse related to the London Resort given that I have no evidence about the nature, extent of or timescale for this project.

14. As well as this commercial approach to preserving a community use, Policy DP21 expects, where applicable, exploration of appropriate community based solutions, such as potential for listing as an Asset of Community Value and the potential for the community to actively manage and maintain the facility/land. However, I am not aware that any such exploration has been undertaken by the appellant in circumstances where it has been found that there is not clear evidence that the facility has been shown to be not needed by the community. This is notwithstanding the fact that there have been no apparent approaches for the building to be listed as an Asset of Community Value. I agree in this regard with the Development Corporation that to satisfy the requirement in the policy there should be some evidence of proactive approaches made to relevant public bodies, community groups or other relevant organisations to explore the possibility of an ongoing community use of the building. Consequently, the proposal fails to comply with the policy in this respect as there is insufficient evidence that alternative solutions have been explored fully.

15. While I accept that the proposed use would result in job creation through the building's reuse, this is not a sufficient basis to overcome the conflict with Policy DP21. Nor can it be said with any certainty that vacancy rates in commercial properties will increase due to the Covid-19 pandemic. Temporary permitted development rights for public houses to provide takeaway food have been extended to March 2022 and I accept that the building could be used for this purpose in the short term. However, the proposal is for a permanent change of use with longer term implications as found above. I give little weight to arguments concerning more general flexibility in changes of use resulting from

recent legislative changes, given that this appeal involves a specific proposal; or that takeaways provide a particular community service related to social distancing, as circumstances have changed since the appeal was made.

16. Accordingly, for the reasons given above, I conclude that the proposal would result in the unjustified loss of a community facility for a non-community purpose, contrary to Policy DP21 of the DPP.

Whether the Appeal Site would be an Appropriate Location

17. The appeal site is some 300 metres from Swanscombe District Centre and, therefore, is an edge of centre location. As such, Policy DP14 of the DPP requires that the sequential test should be met to demonstrate that there is not a sequentially preferable location within a designated centre. This policy is consistent with the approach to ensuring the vitality of town centres set out in section 7 of the Framework.

18. Policy DP19 also of the DPP more specifically says that takeaways will normally be permitted only within the development plan's network of designated centres. This policy is principally concerned with possible detrimental effects of such uses with regard to residential amenity, traffic and parking. These matters are addressed separately under the third main issue below.

19. The appellant contends that the need for the proposed use should not have been raised by the Development Corporation as this is a commercial matter. I note, however, that this matter was not included in the reasons for refusal, unlike in the appeal decision drawn to my attention[3].

20. A sequential sites assessment was undertaken by the appellant, which concludes that there is only one alternative site available within a designated centre, but that this does not meet the requirements for the proposed use. I note the Development Corporation's comments on the approach taken to the sequential test, particularly that the site search does not cover a wide enough catchment and that the applicant did not discuss the potential suitability of alternative sites, as recommended in the national Planning Practice Guidance (PPG)[4].

21. I have also had regard to the appeal decision drawn to my attention by the appellant concerning a proposed change of use from an A4 to A5 use, as in this case[5]. In that decision the Inspector concluded that the proposal would not result in the introduction of a town centre use on a site where no such use exists at present. Rather, it would result in the substitution of one town centre use for another, within an existing building and with no increase in floorspace, both of which involved the sale of food and drink. In such circumstances, the Inspector concluded that the results of the sequential test are not determinative and that the proposal would not necessarily compromise or undermine the vitality of a town or district centre.

22. I am mindful of the principle that appeal decisions should be determined on a consistent basis as well as on their own merits. It appears that the circumstances in the earlier appeal and the one before me are effectively the

[3] APP/J1535/W/17/3175558 dated 26 September 2017.
[4] *Town Centres and Retail*, 011 Reference ID: 2b-011-20190722
[5] APP/W3710/W/14/3000770 dated 18 March 2015.

same, with regard to both the current and proposed uses and the reuse of an existing building. While the relevant development plan policy in the earlier appeal is from a 2006 plan, it appears that its main purpose, to locate relevant uses in designated centres, is no different from the aim of the DPP policies referred to above. Moreover, while the decision dates from 2015, the overall approach to supporting the vitality of town centres in the Framework has not changed. Consequently, there is no reasonable basis for me to find differently to the Inspector in the earlier decision.

23. The Development Corporation contends that the location is not accessible to local residents. However, it is an edge of centre location relatively close to the High Street and surrounding residential areas. The pedestrian route and footway are readily useable as I observed at the inspection. In this regard, the PPG says that where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. I consider that these circumstances apply here.

24. Accordingly, for these reasons, I conclude that in the particular circumstances of this appeal the site would be an appropriate location as it would not compromise the vitality of a designated centre. Consequently, there is no conflict in this regard with Policies DP14 or DP19 of the DPP or the Framework, as described.

Parking, Highway Safety and Living Conditions

25. The Development Corporation's principal concern is that the appellant has not demonstrated that adequate on-site customer parking could be provided, with resultant adverse effects from off-site parking. In particular, the eight parking spaces proposed and lack of cycle parking would fail to meet the standards for a takeaway use required by both the Borough Council and Development Corporation.

26. Without any evidence to the contrary it is reasonable to assume that these parking standards relate to unrestricted A5 takeaway uses; the proposal applied for in this case, however, is a pizza delivery and takeaway. The appellant provides comparative evidence of the operation of a similar outlet by the same company elsewhere in Kent. This indicates that nearly 75% of trade is from deliveries rather than customer collection and I have no basis not to accept that a similar proportion of trade would be derived from deliveries in this case. While it is likely that most customer collections would occur by private vehicle, there is the opportunity for pedestrian and cycle access from the nearest residential areas in Swanscombe and there is an existing bus stop close to the site on the main road.

27. The appellant indicates that up to eight delivery drivers would be working during the evening peak period, undertaking multiple deliveries, with not all drivers on site at the same time. A robust assumption for parking by staff and delivery drivers at any one time is six spaces, leaving at least two of the eight for customers. Therefore, it is likely on the available evidence and the short-term nature of visits by both delivery drivers and customers, that spaces could be available as indicated in the appellant's assessment. However, without greater certainty about the likely number of trips from customer vehicles during

the evening peak there is no guarantee that off-site parking would not occur. Consequently, it is important to consider the possible effects.

28. Parking to the front of the site on London Road is likely to cause material harm to highway safety due to the proximity to the junction with the High Street and the restriction to the free flow of traffic. I accept that as the site frontage is located within the signal junction, parking in this location may be unlikely but, nonetheless, it could still occur. However, I note that a Traffic Regulation Order is proposed by the main parties to provide on-street parking controls and this could be required by condition. While the Development Corporation suggests that this might not mitigate the effects of parking, including through lack of enforcement, it is nonetheless suggested as conditional control on the proposed use. I have had regard to the appellant's concerns about the proposed condition, but for the above reasons I consider it is necessary and there is no basis to suggest that it would not be effective in its intended purpose.

29. The nearest residential properties that might be affected are on All Saints Close. However, based on the information provided, it is unlikely that any parking in this location would be of an extent or duration that it would result in material harm. Similarly, the extent of such parking and the opening times of the takeaway would not result in harmful disturbance to residents from undue levels of noise. With regard to use of the building itself and its car park, these are well-separated from the established residential properties opposite and the extent of vehicle use during opening hours would not lead to harmful noise or disturbance.

30. Access to the rear parking area would be from the High Street via a short strip of private land associated with the adjoining industrial area. As such, this is outside the red line area of the appeal site and not in the appellant's ownership. I note that the officer's report refers to the applicant confirming that 24 hour rights exist over this land. However, at that time no evidence was provided to substantiate this claim and I am not aware that any has been forthcoming as part of the appeal submissions. I have considered whether a condition could be imposed to require this area to be available for the intended use before it commences. However, in the absence of any evidence to confirm its availability, there is no clear prospect of this area being available within the time limit of a grant of permission, were I minded to allow the appeal[6]. Consequently, this must weigh against the proposal as in the absence of certainty about on-site parking arrangements there is more likely to be harm arising from parking in the surrounding area.

31. Accordingly, for all the reasons given above, I conclude that there is no certainty that adequate on-site parking can be provided or that this would not result in material harm resulting from parking in the surrounding area. As such, the proposal is contrary to Policy DP3 of the DPP, which requires suitable provision to minimise and manage transport impacts; and to Policies DP4, DP5 and DP19 of the DPP insofar as they relate to the adverse effects of traffic, access and parking.

[6] In accordance with PPG *Use of planning conditions* paragraph 009 Reference ID: 21a-009-20140306.

Other Matters

32. I have had regard to all the representations made by interested parties both opposed to and in support of the proposal. These do not, however, raise any additional matters in relation to the main issues that would lead me to reach a different overall conclusion.

Conclusion

33. I have found in the appellant's favour with regard to one main issue, concerning the location of the proposal. However, this is not sufficient to outweigh the fact that the proposal is contrary to the development plan as it would result in the unjustified loss of a community facility and there is no certainty that adequate on-site parking can be provided and that this would not result in material harm. There are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson
INSPECTOR

Pegasus Group

APPEAL STATEMENT OF CASE

GEORGE AND DRAGON PUBLIC HOUSE, 1 LONDON ROAD, SWANSCOMBE, DA10 0LQ

Mr A Mumtaz | September 2020 | P19-1774

SEPTEMBER 2020 | FS | P19-1774

APPEAL STATEMENT OF CASE

IN RESPECT OF: REFUSAL OF APPLICATION FOR CHANGE OF USE FROM A PUBLIC HOUSE (CLASS A4) TO A HOT FOOD TAKEAWAY (CLASS A5)

ON BEHALF OF MR A MUMTAZ

GEORGE AND DRAGON PUBLIC HOUSE, 1 LONDON ROAD, SWANSCOMBE, DA10 0LQ

Prepared by: FERGUS SYKES

Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough

DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277008) registered in England and Wales
Registered Office: Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT

Copyright Pegasus Planning Group Limited 2011. The contents of this document must not be copied or reproduced in whole or in part without the written consent of Pegasus Planning Group Limited

CONTENTS:

Page No:

1.0 INTRODUCTION 1
2.0 SITE DESCRIPTION 5
3.0 THE APPEAL PROPOSALS 7
4.0 PLANNING HISTORY 8
5.0 PLANNING POLICY 10
6.0 STATEMENT OF CASE 16
7.0 CONCLUSION 31

APPENDICES:

APPENDIX 1:	DECISION NOTICE AND OFFICER'S REPORT REF: EDC/19/0203
APPENDIX 2:	APPEAL DECISION REF: 3000770
APPENDIX 3:	APPEAL AND COSTS DECISION REF: 3175558
APPENDIX 4:	MARKETING DETAILS

1.0 INTRODUCTION

1.0 This Statement of Case has been prepared by Pegasus Group on behalf of Mr A Mumtaz in support of an appeal against the decision of Ebbsfleet Development Corporation to refuse planning permission for the following development at The George & Dragon, London Road, Swanscombe:

> *"Change of use from public house (Use Class A4) to pizza delivery and takeaway (Use Class A5) and installation of ancillary equipment including extraction duct."*

1.1 The application was originally received and validated by Ebbsfleet Development Corporation in November 2019. However, it was subsequently made invalid by the Council in January 2020 as they requested additional information before they could determine the application.

1.2 The requested additional information was submitted, and the application was made valid again on 20th April 2020. Planning permission was refused via delegated powers on 15th June 2020.

1.3 From the Decision Notice (ref: EDC/19/0203) it can be seen that planning permission was refused for the following reasons:

> *"1. The proposal would result in loss of a community facility for non-community purposes, contrary to policy DP21 of the Dartford Development Policies Plan July 2017. Sufficient evidence has not been provided within the application to demonstrate that the facility is shown not to be needed by the community nor that reasonable efforts have been made to preserve a community use, including exploration of appropriate solutions to retain the facility with operators/ service providers and where appropriate the local community.*
>
> *2. The proposal would provide a hot food takeaway (Use Class*

A5) in an inappropriate location outside of a designated centre identified in the development plan, contrary to policies DP14 and DP19 of the Dartford Development Policies Plan July 2017 and paragraph 85 of the National Planning Policy Framework. Insufficient information has been provided to demonstrate that the sequential test has been met and that it would not cause harm to the long-term vitality and viability of a designated centre, nor has an adequate justification been provided for the proposed Class A5 use in a location to which development plan policy identifies as inappropriate.

3. The proposal has not demonstrated that adequate provision for customer parking could be provided at the site in addition to staff parking. This would likely result in unacceptable adverse impacts upon the transport and access conditions within the surrounding area, unacceptable increases to on-street parking, and give rise to noise and disturbance impacting residential amenity in the immediate area, contrary to policies DP3, DP4, DP5 and DP19 of the Dartford Development Policies Plan July 2017."

APPENDIX 1 – DECISION NOTICE AND OFFICER'S REPORT REF: EDC/19/0203

Grounds of Appeal

1.4 Refusal reason 1 asserts that proposal has included insufficient evidence to clearly demonstrate there is no demand for the continued use of the site as a public house in line with the guidance set out in Policy DP21.

1.5 It is held by the appellant that the marketing exercise and evidence submitted clearly demonstrates that there has been no interest in the reuse of the site for a public house occupier should be considered sufficient to demonstrate that there is no reasonable likelihood of the site being occupied as a pub in the near future or as an alternative community use.

1.6 Furthermore, the marketing campaign was undertaken by a reputable estate agent specialising in the sale of licenced premises and it is held that the methods used for the marketing campaign were entirely appropriate.

1.7 Therefore, it is considered that the marketing exercise carried out was entirely adequate and has demonstrated that there is no demand for the continued use of the site as a public house or other community facility. As such, the proposal is compliant with Policy DP21 of the Dartford Development Policies DPD.

1.8 In addition, limited consideration appears to have been given to a number of significant benefits involved with the re-use of the site as a hot food takeaway.

1.9 In relation to the Council's assertion that inadequate information has been provided to demonstrate that the sequential test has been met, the site is already a main town centre use (Class A4) and the proposal would not create any additional town centre floorspace outside of an existing centre as it is for a change of use only. As such, it is not considered that the sequential test should be determinative in the assessment of this application.

1.10 Notwithstanding this, the appellant provided a sequential test during the course of the application and at no point were the details of this challenged by the Officer. It was only at the point of the receipt of the Decision Notice and Officer's report that the Council queried the adequacy of the sequential test. As explained later in this statement, it is held by the appellant that the sequential test was entirely sufficient.

1.11 On a without prejudice basis, the appellant has further reviewed a range of available resources to support of this appeal. Overall, it is still held that there are no available, suitable alternative sites within or at the edge of the designated centres within a reasonable catchment area of the appeal site and therefore the sequential test has been passed.

1.12 Although Policy DP19:2 states takeaways will not normally be permitted outside of town centres, the NPPF takes a 'town centre first' approach (i.e.

locations outside of a centre can be considered provided the sequential test is adopted). It is considered that Policy DP19:2 is intended to be applied in a similar manner.

1.13 A separate Highways Statement has been prepared and submitted with this appeal in relation to Refusal Reason 3 which clearly demonstrates the proposed parking area would provide more than sufficient parking for employees and customers of the takeaway and therefore the proposal would not result in any detrimental impact on highway safety or unacceptable increase in on-street parking.

Appeal Statement

1.14 This Statement will expand upon the grounds of appeal, and set out the justification for the proposal. It will do this, first of all, by reviewing the site and surroundings in terms of its planning context and summarising the relevant planning history and planning policy.

1.15 Then, it will proceed to demonstrate how the proposal complies with both national and local planning policies, that it is an appropriate development in accordance with national planning policy and that there are no material considerations which outweigh its acceptability.

2.0 SITE DESCRIPTION

2.0 The appeal site comprises a former public house (Class A4) at the junction of High Street and the A226 London Road/Galley Hill Road. It was previously occupied by The George and Dragon pub.

2.1 The site comprises a 3-storey building at the northern part of the plot with a parking and servicing area to the rear. The parking area is screened from view by a brick wall which runs along the High Street.

2.2 The site is bordered by commercial/industrial uses to the west and to the north (on the opposite side of London Road). The Church of All Saints, which is located to the east of the site (on the opposite side of High Street), was previously converted to residential apartments (Class C3).

2.3 The ground floor of the building comprises an internal bar and seating area, with a dining area and kitchen to the rear. There is a basement which was used for storage whilst the first and second floors were used as staff/guest rooms.

2.4 Neighbouring uses consist of commercial operations to the west and south in the Galley Hill Industrial Estate. On the northern side of London Road that are further commercial units with some residential apartments. A Grade II* listed building, the Church of All Saints, lies to the eastern side of High Street, which has been converted to residential apartments, and further residential properties are located to the south east.

2.5 The site lies within the Borough of Dartford and within the Swanscombe Peninsula Major Development Site as identified in the Ebbsfleet Implementation Framework

2.6 The site is not located within a designated Conservation Area. It is not a statutorily Listed Building. However, the Church of All Saints (on the opposite side of High Street) is a Grade II* Listed Building.

2.7 The entire site is located within Flood Zone 1, the area least at risk from flooding.

3.0 THE APPEAL PROPOSALS

3.0 The appeal proposals are described within the submitted application documentation, including the Design and Access Statement, and are therefore not repeated here.

4.0 PLANNING HISTORY

The Appeal Site

4.0 Prior to the application subject to this appeal, there have been a number of applications for the display of signage at the appeal site.

4.1 In addition, planning permission ref: EDC/16/0034 was granted on 16th September 2106 for the erection of a single storey rear extension with construction of enclosure to repositioned stairs to first floor.

The Punchbowl, Nuneaton (Nuneaton and Bedworth Borough Council)

4.2 Planning permission ref: 032816 was refused by Nuneaton and Bedworth Borough Council at Planning Committee on 2nd September 2014 for the change of use of The Punchbowl from a public house (Class A4) to a hot food takeaway (Class A5) with associated alterations for the following reasons:

> 1. The proposal was contrary to policy in that the site was not within an existing Town, Local or District Centre which would be detrimental to the vitality and viability of these centres; and
>
> 2. The proposal cannot achieve a sufficient separation gap from the surrounding residential properties which would lead to a detrimental impact upon the residential amenity of these properties by way of additional noise, disturbance and smells.

4.3 The decision was appealed and the appeal was subsequently allowed on 18th March 2015. A copy of the appeal decision is included at Appendix 2.

APPENDIX 2 – APPEAL DECISION REF: 3000770

1 Brook Parade, Chigwell (Epping Forest District Council)

4.4 An application ref: EPF/2931/16 for the conversion of a bank (Class A2) to a hot food takeaway (Class A5) at 1 Brook Parade, Chigwell, was refused on 1st February 2017 by Epping Forest District Council.

4.5 Part of the single reason for refusal given was that the proposal would provide a service already provided for in the locality, and that therefore there is no overriding need for the development which would outweigh the harm it is likely to cause. The other part of the reason for refusal related to the perceived harmful impact of the proposal on the living conditions of neighbouring occupiers with respect to noise and disturbance.

4.6 This decision was subsequently appealed (ref: 3175558), and the Inspector allowed the appeal and granted a partial award of costs against the Council in respect of their unreasonable consideration of commercial considerations given they included the question of need of the development as part of the refusal reason.

4.7 The appeal decision and associated costs decision are included at Appendix 3.

APPENDIX 3 – APPEAL DECISION AND COSTS DECISION REF: 3175558

5.0 PLANNING POLICY

5.0 The following policy is considered relevant.

Local Planning Policy

5.1 Local planning policy for the Ebbsfleet Development Corporation area is set out within the Dartford Borough Council's planning policy documents, comprising the Core Strategy (2011) and Development Policies Plan (2017).

Dartford Core Strategy (adopted September 2011)

5.2 **Policy CS12** confirms that a network of complementary shopping centres will be developed and supported and that the Development Management DPD will contain policies on the management of these centres as well as the identification and management of local centres.

Dartford Development Policies Plan (adopted July 2017)

5.3 **Policy DP3** states that:

> *"Development will only be permitted where it is appropriately located and makes suitable provision to minimise and manage the arising transport impacts, in line with Core Strategy policies CS15 and CS16. Localised residual impacts on the highway network should be addressed by well-designed off-site transport measures. Adverse effects on residential amenity or the environment must be minimised.*
>
> *Development will not be permitted where the localised residual impacts from the development on its own, or in combination with other planned developments in the area, result in severe impacts on one or more of the following:*

a) road traffic congestion and air quality;

b) safety of pedestrians, cyclists and other road-users;

c) excessive pressure for on-street parking."

5.4 **Policy DP4** states that proposals should include appropriate vehicular access arrangements and that the layout and siting of access should be acceptable in terms of residential amenity, highway capacity and safety, free flow of traffic, cyclists and pedestrians, and visual impact.

5.5 **Policy DP5** confirms that development will only be permitted where it does not result in unacceptable material impacts, individually or cumulatively, on neighbouring uses, the Borough's environment or public health. Particular consideration must be given to areas and subjects of potential sensitivity in the built and natural environment (including as highlighted on the Policies Map) and other policies, and other potential amenity/ safety factors such as (inter alia):

- traffic, access, and parking.

5.6 **Policy DP14** of the Development Policies Plan states that main town centre uses should be located sequentially and in accordance with Policy CS12, considering sites within the Borough's network of centres first. It states that proposals should demonstrate flexibility in design and form and that planning applications for shops outside A-class use will not be permitted outside of centres where the sequential test is not met.

5.7 The policy also states that outside of centres, retail development over **500 m^2** floorspace will be permitted where it both satisfies the sequential test and is demonstrated to be acceptable through a retail impact assessment.

5.8 This is an important point, as clearly the proposed development is well below the 500 m^2 threshold for an impact assessment, and therefore there is no policy

requirement for this to be undertaken.

5.9 **Policy DP19** relates to food and drink uses and states that:

> *"1. Development involving the establishment of any food and drink (A3/ A4/ A5) uses in the Borough will only be permitted where it is demonstrated that criteria (a) to (c) below will be met, including with regard to evidence of potential cumulative impacts:*
>
> *a) There will be no material detrimental effects on the residential amenity of neighbours;*
>
> *b) There will be no material detrimental effects on the local environmental quality as a result of noise, vibration and smells;*
>
> *c) Access, servicing and parking arrangements for the proposal do not result in an adverse material impact on the safety and traffic flows or cause unacceptable increases to traffic and parking.*
>
> *2. The Local Planning Authority will seek to prevent the inappropriate location or clustering of takeaway premises. Takeaways (Class A5) will normally be permitted only within the development plan's network of designated centres; and permission will not normally be permitted for an A5 unit adjacent to an existing or permitted A5 unit (other than at Bluewater)."*

5.10 **Policy DP21, Part 2** states that:

> *"Development of existing community facilities/ land for non-community purposes will not be permitted unless there is clear evidence that:*

a) the facility is shown to be not needed by the community (both current and future planned users), and

b) all reasonable efforts have been made to preserve a community use, including exploration of appropriate solutions to retain the facility with operators/ service providers and where appropriate the local community. Consideration should include any potential future demand arising from new development located within the catchment area of the facility/ use."

National Planning Policy

5.11 The revised National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for the planning system to ensure that the planning system helps to achieve sustainable development.

5.12 The key objective of the NPPF is to achieve sustainable development and **paragraph 8** confirms there are three overarching objectives which need to be pursued, namely economic, social and environmental. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development to support growth.

5.13 **Paragraph 11** confirms that a presumption in favour of sustainable development is at the heart of the NPPF and for planning applications this means proposals for development conforming to the Development Plan should be approved without delay.

5.14 **Paragraph 38** relates to decision making and confirms that *"local planning authorities should approach decisions on proposed development in a positive and creative way"* and that:

"Decision-makers at every level should seek to approve

applications for sustainable development where possible".

5.15 **Paragraph 80** of the NPPF confirms that the planning system should facilitate condition in which businesses can invest, expand and adapt. It goes on to state:

> *"significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."*

5.16 **Paragraph 86** of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

5.17 **Paragraph 87** confirms that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

5.18 **Paragraph 89** states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m2 of gross floorspace).

5.19 This should include assessment of:

> a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment

area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

5.20 **Paragraph 90** states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

5.21 Section 8 of the NPPF deals with promoting healthy and safe communities. This section recognizes the importance of community facilities and their role in promoting healthy, inclusive and safe communities.

5.22 At **Paragraph 92** of the NPPF, it states that local authorities should plan positively for community facilities and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

5.23 **Paragraph 93** confirms that planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration.

5.24 Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Authorities should approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Securing the optimum viable use of the property and achieving public benefits are key material considerations for application proposals.

6.0 STATEMENT OF CASE

6.0 This section of the statement sets out the assessment of the proposals from a planning perspective and demonstrates how the proposals is compliant with the relevant planning policy and that no

6.1 The reasons for refusal relate to the following key issues:

> *1. Loss of an existing community facility with insufficient evidence to demonstrate compliance with Policy DP21;*
>
> *2. Insufficient information has been submitted alongside the application to satisfy the local planning authority that the proposed development has passed the sequential test and would not have an adverse impact on vitality and viability of the local centres or to justify the acceptability of an A5 use in this location; and*
>
> *3. Lack of evidence to demonstrate that adequate provision for customer parking could be provided in addition to car parking which would give rise to unacceptable adverse impacts upon transport and access conditions within the surrounding area; unacceptable increases in on-street parking; and give rise to noise and disturbance.*

6.2 Each of these key issues are addressed in turn below:

Refusal Reason 1 – Loss of Existing Public House

6.3 The first reason for refusal relates to the loss of a community facility for non-community purposes and the fact that the Council consider sufficient evidence has not been provided within the application to demonstrate that the facility is shown not to be needed by the community nor that reasonable efforts have been made to preserve a community use.

6.4 Given the existing use is considered as a community facility, the proposal needs to demonstrate it is compliant with Policy DP21 of the Development Policies Plan which requires clear evidence that a) the facility is shown not to be needed by the community (both current and future planned users), and (b) that all reasonable efforts have been made to preserve a community use, including exploration of appropriate solutions to retain the facility with operators/ service providers and where appropriate the local community.

6.5 The Council highlight that the level of public objection indicates that the proposal does not satisfy criteria a) as there is a local need for such a community facility.

6.6 In relation to the level of importance and need for an existing site to be retained as a community facility to serve a local community, there is the option for key community facilities to be nominated as assets of community value so that community groups can bid for an alternative use for the site.

6.7 No nomination appears to have been submitted for this site, suggesting that there the local interest and need to retain the site as an existing community use is not as apparent as the Council suggest. Furthermore, this is amplified through the objections received which are, for the most part, concerned with the potential impacts of a takeaway or a lack of need for an A5 use, as opposed to the loss of the public house.

6.8 In addition to this, there are three alternative public houses in Swanscombe, including The Wheatsheaf (although it is acknowledged this is temporarily closed), within 750 metres of the site (as the crow flies). These pubs are able to serve the local catchment, including those customers already displaced through the closure of the George & Dragon. Therefore, there is adequate alternative provision locally in accordance with paragraph 14.9 in the preamble to Policy DP21.

6.9 As can be seen by the Officer's report included at Appendix 1, the Council also raise concerns about the marketing exercise due to concerns about the duration of the marketing exercise; the justification for the asking price; and

the validity of marketing during social distancing.

6.10 It is understood that the previous owner of the George and Dragon started looking to sell the business in November 2018 and began marketing the site through RightBiz and via for sale signs at the premises.

6.11 Although there was interest from a variety of operators, none of this was from operators looking to continue to run the site as a public house or an alternative community use.

6.12 The site became vacant in June 2019 and the current marketing campaign of the site began in August 2019. A copy of the marketing information which was submitted during the course of the application has been submitted with this appeal. However, this has been updated given the marketing has continued since the refusal and the latest marketing details are included at Appendix 4 of this Statement.

APPENDIX 4 – MARKETING EVIDENCE

6.13 Whilst it is acknowledged that at the time of the application the marketing period was less than 12 months, the Glossary to the Development Policies Plan (adopted July 2017) states that effective marketing means *"continuous proactive marketing for an appropriate period, **but not exceeding** 12 months."* **[our emphasis]** and therefore 12 months is a desirable maximum, but not stated as a strictly minimum requirement and site specific concerns can be taken into account here.

6.14 The Officer's report included at Appendix 1 states that *"Whilst the Dartford Development Policies plan does not prescribe a minimum marketing period, up to 12 months is referenced. With no viewings having been undertaken for the George and Dragon, and limited supporting information to demonstrate the asking price as reasonable, continuous proactive marketing of the property is therefore not considered to have been demonstrated within the application."*

6.15 In relation to the fact that no viewings have taken place, this is clearly an indication of the lack of demand for the unit as a public house or community facility and not an indication that the continuous proactive marketing of the property is insufficient.

6.16 The Local Planning Authority are effectively suggesting the applicant must continue to market the premises when there is no prospect of viewings just for the sake of meeting the described guidance period which would result in the continued vacancy of the site.

6.17 The Council assert that no evidence has been provided within the application to justify that there is no prospect of the building being used as a public house, nor that a full exploration of alternative community uses has taken place.

6.18 It is unclear what further evidence the Council would wish to see above an unsuccessful period of marketing. Indeed, it is considered that 9 months' active marketing with no interest in the site for a public house occupier should be considered sufficient to demonstrate that there is no reasonable likelihood of the site being occupied as a pub in the near future or as an alternative community use.

6.19 If there was a realistic prospect of the site being reused as a public house or as an alternative community use, then it would be expected that viewings/enquiries would have been made by interested parties seeking to reuse the property for such a purpose. Instead, the only enquiry received during the marketing campaign was for a restaurant operator which would have also resulted in the need for the loss of the public house/community use.

6.20 In terms of the asking price, Sidney Phillips, the estate agent marketing the property is a reputable agency with 7 regional offices which specialises in licenced premises sales. The valuation has been based on the prevailing market conditions and site-specific considerations on the basis of their specialist knowledge.

6.21 As such, in the absence of any evidence to the contrary, it can be trusted that the asking price as justified within the Marketing Report is appropriate for the site.

6.22 As to the question of whether marketing during the 'lockdown' should count due to social distancing, it is our experience that acquisitions were continuing during this period, albeit they were progressing at a slower pace, with potential purchasers still able (and often more likely) to peruse commercial property sites on the internet from their home and make the necessary enquiries.

6.23 Therefore, it is considered that the marketing exercise carried out was entirely adequate and has demonstrated that there is no demand for the continued use of the site as a public house or other community facility. As such, the proposal is compliant with Policy DP21 of the Dartford Development Policies DPD.

6.24 In addition to the above, since the determination of the planning application, the property has remained on the market and the marketing period has now therefore been 12 months. There have still been no offers or any interest in reusing the site as a public house or alternative community facility use.

Other Material Considerations

6.25 There are other factors that should be considered in this matter, not least the continued vacancy of the land, and the need for investment in Swanscombe in the current climate (as for towns across the Country). It is likely that vacancy rates will be increasing across the Country as a result of the recession caused by the Covid-19 pandemic.

6.26 As such, the potential occupation of a currently vacant site for an employment generating commercial use should not be dismissed, even if it is not for a community use which may be considered preferable by the Council.

6.27 Consideration should also be given to the fact that the Government has granted temporary rights for public houses to operate as takeaway (Class A5) uses until

23 March 2021 through the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020 to help to serve local communities while social distancing is in action

6.28 Thus, the George & Dragon could be occupied as a Class A5 hot food takeaway by the applicant (and therefore the public house use would temporarily be lost) under the current temporary PD rights until March 2021 with only the need to inform the Council of their intention.

6.29 It is expected that takeaways will be important community services for some time to come as restaurants reopen as takeaways and social distancing continues to play a role in society meaning that former businesses are unable to operate as they previously were reducing capacity for covers and customers to dine in.

6.30 Consideration also needs to be given to the impending changes to the Schedule of Use Classes Order which will revoke a number of existing classes including Classes A and D of the Order and will introduce new classes including Classes E and F.

6.31 The thrust of the amendments to the Use Classes Order is to allow greater flexibility for businesses to adapt and diversity to meet changing demands and better reflect the diversity of uses found on high streets and in town centres.

6.32 Although public houses and takeaways will become sui generis uses, and therefore still require planning permission to convert to other uses, a number of other uses which are considered community facility uses under Policy DP21 currently will fall under Class E of the new Use Classes Order and would be able to change to other types of operations such as shops and restaurants without the need for planning permission.

6.33 The proposed change of use would allow for the occupation of a vacant commercial unit and would provide a number of employment opportunities for local residents including young people.

6.34 Indeed, it is anticipated the proposed use could provide up to 25 full and part time job opportunities including a manager, deputy manager, kitchen staff and delivery drivers required.

6.35 The proposal would also result in the reoccupation of a vacant building which is detracting from the appearance of the area. The proposed operator is an internationally renowned operator who would be making a significant investment in the site.

Refusal Reason 2 – Impact on Vitality and Viability of Existing Centres

6.36 The second reason for refusal relates to the fact that the Council consider insufficient information was submitted alongside the application to satisfy the Council that the proposed development can be undertaken without an adverse impact on the vitality and viability of existing centres.

Requirement for the Sequential Test

6.37 As illustrated within the Dartford Policies Map and Appendix B of the Development Policies Plan the site is outside of a designated District or Neighbourhood Centre. However, the site is within 300m of the nearest designated centre at Swanscombe High Street and is therefore defined as an 'edge-of-centre' site.

6.38 National and local policy seek to steer new retail development and main town centre uses (such as hot food takeaways) towards defined town centres. The site is not within a designated centre and is an 'edge-of-centre' site under the NPPF definition.

6.39 Therefore, usually, a sequential test would need to be passed to demonstrate there are no alternative suitable sites within designated centres or at the edge of centres (within 300 metres of the town centre boundary) in order for the

principle of a new takeaway to be acceptable in an out-of-centre location.

6.40 However, in this instance, the proposal would not create any new town centre floorspace outside of a designated centre as it simply seeks to convert an existing town centre use (Class A1) to another town centre use (Class A5) and does not propose any additional floorspace.

6.41 As such, the proposal would have no impact on the vitality and viability of any nearby existing designated centres and a sequential test is not required in this instance.

6.42 Included at Appendix 2 of this Statement is an appeal decision and associated costs decision in relation to a proposal for the conversion of a former public house (The Punchbowl) in Nuneaton to a Class A5 hot food takeaway.

6.43 This site was also located outside of any designated centres and the Council sought to resist the application on the basis that it would have a harmful impact on the vitality and viability of the existing centres as it had not been demonstrated that the sequential test had been passed.

6.44 During their consideration of the appeal, the Inspector highlights at paragraph 11 that the proposal would not result in a town centre use where no such use exists; would simply result on the substitution of one town centre use for another; and therefore did not consider that a sequential test was determinative in the circumstances of the case.

6.45 Given that the appeal proposal before you is for a very similar proposal i.e. the conversion of one main town centre use to another, and therefore would not create any new main town centre use where no such use exists; it is considered that a similar approach should be taken in this appeal and that a sequential test should not be determinative in the circumstances of the case.

The Sequential Test

6.46 Notwithstanding the above, and on a without prejudice basis, the appellant submitted a sequential test during the course of the application in order to address the Council's concerns and demonstrate that there were no suitable alternative sites within a sequentially preferable location which could be occupied by the appellant.

6.47 The sequential test was carried out utilising a range of resources, primarily websites such as 'Zoopla', 'Property Link', 'Rightmove' and 'Prime Location' commercial estate agency websites.

6.48 A search area was then drawn ½ mile around the identified designated centres within Swanscombe which is considered a reasonable search area given the appellant is clearly looking to operate a takeaway within the Swanscombe area (the need for this is considered in detail further below) and the search area encapsulates all centres within the area and potential edge-of-centre sites.

6.49 In addition, the identified websites allow a detailed search within the defined 'area of search' and via a minimum and maximum unit size. This allows one to filter out sites which would clearly be unsuitable for the proposed use (whilst still allowing for a reasonable degree of flexibility) in these areas.

6.50 As such, the appellant searched for sites with a floor area of between 100 m^2 and 500 m^2, the minimum and maximum floorspace within which a viable takeaway of this type can operate.

6.51 A single property was found to be available within Milton Road Neighbourhood Centre. Although the site was in a sequentially preferable location, the floor area was below 100 m^2 and the site was therefore not suitable for the proposed development.

6.52 As such, the sequential test identified that there were no available, suitable, alternative premises within the designated centres and therefore the sequential test had been passed.

6.53 The Officer's report asserts that *"Given that the scale of the proposed use would be expected to draw a much wider catchment than the immediate locality, it is considered that a desktop search alone is not sufficient to assess the availability of suitable property."*

6.54 However, it is considered that it was entirely appropriate for the sequential test to be carried out utilising desktop search to identify any properties which may provide available, suitable, alternative premises within a sequentially preferable location.

6.55 In terms of the area of search, the appellant proposes to operate a Domino's Pizza takeaway at the appeal site and they have identified the Swanscombe area as a specific catchment area in which there is an existing lack of provision of nationwide pizza takeaways.

6.56 There is an existing Domino's in Northfleet to the east and there are existing nationwide pizza operators, such as Pizza Hut in Greenhithe to the west. The proposal will therefore clearly improve choice and improve the quantitative provision in the local area.

6.57 Although it is possible to get deliveries from the existing Domino's store at Northfleet, a new store in Swanscombe would result in more sustainable delivery patterns given that there is a reduced distance for delivery vehicles to travel, and similarly for people wishing to collect.

6.58 The aim of the creation of a new store is to serve a new catchment area in the Swanscombe area which will allow the appellant to serve the area more efficiently than existing stores.

6.59 If any properties were identified which may have fallen within sequentially preferable locations and been broadly suitable for the proposed operator, then a physical inspection of the property would have been carried out. However, this was not the case at the time of the application.

6.60 The method of utilising a wide range of property websites has been accepted as an adequate method in identifying available sites during numerous applications which Pegasus have been involved with including the appeal at The Punchbowl (although the sequential test was not found to be determinative in the outcome of that case).

6.61 The sufficiency and accuracy of the sequential test was not raised as an issue once during the course of the determination of the application and the Officer did not once highlight any other sites which should be considered as part of the sequential test.

6.62 Notwithstanding this, the appellant has carried out an updated review of the identified websites to understand if any properties have become available since the determination of the application and prior to the submission of this appeal which may be in a sequentially preferable location and suitable for the proposed takeaway. This was supplemented by a physical visit to the centres identified.

6.63 However, no further alternative, suitable properties have been identified as being available within the designated centres in the search area.

6.64 Overall, it is therefore considered that the sequential test has been passed and the principle of a new takeaway in this edge-of-centre location is acceptable in this regard.

Need for the Proposed Takeaway

6.65 The Officer's report also states that: *"justifiable reasoning for the proposal needing to be located in Swanscombe would also be required to be demonstrated. As evidenced by local representations received, a range of existing takeaways are present within the nearest centre, providing no justification for the provision of an additional takeaway outside of the designated centre to meet the centre's needs."*

6.66 It should be noted that there is no planning requirement to demonstrate a 'need' for the proposed Class A5 use in Swanscombe, or in the area surrounding the application site. The appeal decision attached at Appendix 3 (ref. APP/J1535/W/17/3175558) relates to a site in an existing centre, at 1 Brook Parade, Chigwell, but is relevant in terms of the way the Inspector has dealt with the issue of 'need', following the Council's reason for refusal highlighting a lack of need for such a use at the site.

APPENDIX 3 – APPEAL DECISION REF. APP/J1535/W/17/3175558

6.67 In the decision, the Inspector states:

> *"Part of the single reason for refusal given was that the proposal would provide a service already provided for in the locality, and that therefore there is no overriding need for the development which would outweigh the harm it is likely to cause. However, these are commercial considerations, which are not rightly the subject of planning decisions…"* [Pegasus' emphasis]

6.68 A copy of the associated cost's decision is also included at Appendix 3 and states the following in relation to the Council's decision to include the matter of 'need' within the refusal reason:

> *"It appears to me therefore that, although the Council concluded that the planning application should have been refused in relation to its effect on the living conditions of neighbouring occupiers, it unreasonably took into account irrelevant, commercial considerations, and failed to substantiate this aspect of its refusal of the application. It therefore made vague, generalised or inaccurate assertions about the proposal's impact, which were unsupported by objective analysis. By virtue of this I conclude that it has demonstrated unreasonable behaviour, and thereby caused the applicants to incur unnecessary or wasted expense in that part of the appeal process relating to the commercial aspects of the development."*

6.69 Finally, the Council assert that in accordance with Policy DP19:2 takeaways (Class A5) should normally only be permitted within the Development Plan's network of designated centres and the proposal is therefore contrary to this policy given it's out-of-centre location.

6.70 It is considered that the Council is misinterpreting this policy as to impose a blanket ban on any takeaways outside of the centres, regardless of when the sequential test is passed or of site specific circumstances, would not provide any flexibility and would not be in accordance with the general thrust of the NPPF.

6.71 The NPPF seeks to ensure the vitality of town centres, the Framework advocates a sequential, town centre first approach to applications for uses, allowing that, in some circumstances, such uses can be considered outside of town centre or edge of centre locations.

6.72 Therefore, the application of Policy DP19:2 in this way is not in accordance with the NPPF. Instead, the policy should be applied in a way that is in accordance with the NPPF i.e. by seeking to not normally support takeaways outside of the designated centres but allowing them where the sequential test can be passed as is the case in this instance.

Refusal Reason 3 – Highway Safety

6.73 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.74 Dartford Development Plan Policy DP5 also requires that unacceptable impacts on neighbouring impacts from traffic, access and parking should not be caused by development, supported by policy DP19:1 in relation to these impacts from new food and drink uses (Classes A3, A4 and A5).

6.75 The appeal site comprises a former public house at the corner of London Road and High Street. It is located within a highly sustainable and accessible location being within close proximity to the Swanscombe District Centre, as illustrated within the Council's adopted Local Plan Proposals Map. It is therefore surrounded by a mixture of uses.

6.76 Furthermore, the appeal site is in a location which has good accessibility to public transport being within easy walking distance from bus stops.

6.77 In terms of parking provision, car parking for the unit will be provided to the rear of the unit, vehicular access will be provided via the shared vehicular access off High Street. The car parking is currently unmarked and as part of the proposals it proposed to create 8 no. marked parking bays. These bays will be used by both delivery drivers and customers.

6.78 These spaces will be more than sufficient to serve the delivery drivers and customers of the takeaway as it will be extremely rare for there to even be more than 2-3 drivers needing to park at the site at the same time (as demonstrated in detail within the techincal highways note prepared by Croft Transport Solutions which was submitted during the course of the application).

6.79 It is important to note that during the determination of the planning application the local highways authority (Kent Council Council) provided a consultation response on 13th May 2020 which offered no objections to the proposals subject to planning conditions being attached.

6.80 The Council then appointed a third party to carry out a review of the transport elements of the application and although the response requested further information it did not provide an objection to the proposals. Although the appellant provided the additional information required, the Council did not consider there was sufficient time to consider this during the course of the application and therefore included highway safety as a reason for refusal.

6.81 In support of this appeal a separate highways appeal statement has been

prepared by Croft Transport Solutions which sets out the justification for the parking provision proposed and clearly demonstrates that this would be entirely adequate for the proposed takeaway and would not result in any unacceptable harm to highway safety.

6.82 The third reason for refusal which relates to highway safety also confirms that the perceived increase in on-street parking would result in an unacceptable impact in noise and disturbance which would be detrimental to residential amenity.

6.83 Firstly, it is questioned whether the additional use of public on-street parking spaces could be considered an amenity issue. These spaces are not specifically allocated to any residential properties within the vicinity of the appeal site and therefore any increased demand for the use of these spaces could not reasonably be refused on amenity grounds.

6.84 Secondly, the Council provide no detailed assessment as to what would constitute an additional number of vehicle movements or increase in parking demand that would result in harm to residential amenity which would warrant a reason for refusal.

6.85 Notwithstanding this, as demonstrated above, the proposal would not result in a harmful increase in on-street parking as sufficient off-street parking will be provided in any case.

6.86 Overall, the proposal will be compliant with policies DP3, DP4, DP5 and DP19 of the Dartford Development Policies Plan July 2017.

7.0 CONCLUSION

7.0 This Statement has been prepared in support of an appeal against the decision of Ebbsfleet Development Corporation to refuse an application for a change of use from a vacant public house (Class A4) to a hot food takeaway (Class A5); the installation of extraction/ventilation equipment and minor external alterations.

7.1 This Statement has highlighted that the appellant has carried out a sufficient marketing exercise to demonstrate that there is no reasonable prospect for the continued use of the site as a public house or an alternative community facility and therefore is not contrary to Policy DP21 of the Dartford Development Policies Plan 2017.

7.2 The appeal site has a lawful use as a Class A4 public house. As such, this is considered the fallback position and the proposals should be considered in the context of this. Therefore, it is noted that no additional main town centre use is proposed, merely a change of use from one town centre use to another. As such, this will not harm the vitality and viability of nearby centres and it is not considered the sequential test should be determinative in the assessment of the appeal.

7.3 Notwithstanding this, on a without prejudice basis, the appellant undertook a sequential test during the course of the application which demonstrated that there were no suitable alternative sites within the catchment area which the store is proposed to serve. This has been updated in support of this appeal.

7.4 Furthermore, this Statement has demonstrated that the Council were incorrect to introduce the issue of the need for the proposed takeaway within their reasoning for refusal as this is a commercial matter which is not a relevant planning consideration.

7.5 Overall, it has therefore been demonstrated that the principle of the proposed takeaway in this location is acceptable and the proposal is therefore compliant

with Policy DP19 of the Dartford Development Policies Plan 2017.

7.6 A separate Highways Statement has been prepared and submitted with this appeal in relation to Refusal Reason 3 which clearly demonstrates the proposed parking area would provide more than sufficient parking for employees and customers of the takeaway and therefore the proposal would not result in any detrimental impact on highway safety or unacceptable increase in on-street parking.

7.7 Consequently, it is respectfully requested that the Inspector allows the appeal and accordingly grants planning permission, subject to any conditions as may be considered reasonable and necessary.

APPENDIX 1

DECISION NOTICE AND OFFICER'S REPORT REF: EDC/19/0203

TOWN AND COUNTRY PLANNING ACTS
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Application: EDC/19/0203

NOTIFICATION OF REFUSAL OF PERMISSION FOR CHANGE OF USE

To: **Mr Abdul Mumtaz**
C/O Mr Fergus Sykes
First Floor
South Wing
Equinox North
Great Park Road
Almondsbury
Bristol
BS32 4QL

TAKE NOTICE that the **EBBSFLEET DEVELOPMENT CORPORATION**, the Local Planning Authority under the Town and Country Planning Acts, has **REFUSED PERMISSION** for development of land situate

at **The George And Dragon**
London Road
Swanscombe
Kent
DA10 0LQ

and being **Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.**
Your application dated 20th April 2020 is refused on the following grounds:-

1. The proposal would result in loss of a community facility for non-community purposes, contrary to policy DP21 of the Dartford Development Policies Plan July 2017. Sufficient evidence has not been provided within the application to demonstrate that the facility is shown not to be needed by the community nor that reasonable efforts have been made to preserve a community use, including exploration of appropriate solutions to retain the facility with operators/ service providers and where appropriate the local community.

2. The proposal would provide a hot food takeaway (Use Class A5) in an inappropriate location outside of a designated centre identified in the development plan, contrary to policies DP14 and DP19 of the Dartford Development Policies Plan July 2017 and paragraph 85 of the National Planning Policy Framework. Insufficient information has been provided to demonstrate that the sequential test has been met and that it would not cause harm to the long-term vitality and viability of a designated centre, nor has an adequate justification been provided for the proposed Class A5 use in a location to which development plan policy identifies as inappropriate.

3. The proposal has not demonstrated that adequate provision for customer parking could be provided at the site in addition to staff parking. This would likely result in unacceptable adverse impacts upon the transport and access conditions within the surrounding area, unacceptable increases to on-street parking, and give rise to noise and disturbance impacting residential amenity in the immediate area, contrary to policies DP3, DP4, DP5 and DP19 of the Dartford Development Policies Plan July 2017.

INFORMATIVES :-

1 Statement of Positive and Creative Approach to Decision-Making
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 and paragraph 38 of the National Planning Policy Framework Ebbsfleet Development Corporation, as local planning authority, has approached the assessment and determination of this application in a positive and creative manner.

This has involved proactive discussions at pre-application and planning application stage to discuss the principles of the proposal and to provide additional information to support assessment of the application. The application was also determined within the relevant timescales.

Signed: Mark Pullin **Dated:** 15 June 2020

Chief Planning Officer
Ebbsfleet Development Corporation
North Kent Police Station, Thames Way, Northfleet, Kent DA11 8BD

Your attention is drawn to the notes below

~~~~~~

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.

- For **all other applications**, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within **6 months of the date of this notice**.

- **Appeals must be made using a form which you can obtain from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; telephone: 0303 444 5000; email: enquiries@pins.gsi.gov.uk or online at www.planningportal.gov.uk/pcs.**
~~~~~~

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

(a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or

(b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

(i) an application for change of use;
(ii) an application to change the number of dwellings in a building.

PURCHASE NOTICES

- If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Ebbsfleet Development Corporation in whose area the land is situated. This notice will require the Corporation to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

- These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

F:plan/Development Control/Admin Support/Official Backing of Decision Notices 2010

Reference: EDC/19/0203

Site Address: The George And Dragon, London Road, Swanscombe, Kent, DA10 0LQ

Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.

Applicant: Mr Abdul Mumtaz

Ward: Swanscombe

RECOMMENDATION:

Refuse for the following reasons:

1. The proposal would result in loss of a community facility for non-community purposes, contrary to policy DP21 of the Dartford Development Policies Plan July 2017. Sufficient evidence has not been provided within the application to demonstrate that the facility is shown not to be needed by the community nor that reasonable efforts have been made to preserve a community use, including exploration of appropriate solutions to retain the facility with operators/ service providers and where appropriate the local community.

2. The proposal would provide a hot food takeaway (Use Class A5) in an inappropriate location outside of a designated centre identified in the development plan, contrary to policies DP14 and DP19 of the Dartford Development Policies Plan July 2017 and paragraph 85 of the National Planning Policy Framework. Insufficient information has been provided to demonstrate that the sequential test has been met and that it would not cause harm to the long-term vitality and viability of a designated centre, nor has an adequate justification been provided for the proposed Class A5 use in a location to which development plan policy identifies as inappropriate.

3. The proposal has not demonstrated that adequate provision for customer parking could be provided at the site in addition to staff parking. This would likely result in unacceptable adverse impacts upon the transport and access conditions within the surrounding area, unacceptable increases to on-street parking, and give rise to noise and disturbance impacting residential amenity in the immediate area, contrary to policies DP3, DP4, DP5 and DP19 of the Dartford Development Policies Plan July 2017.

INFORMATIVES

1. Statement of Positive and Creative Approach to Decision-Making
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 and paragraph 38 of the National Planning Policy Framework Ebbsfleet Development Corporation, as local planning authority, has approached the assessment and determination of this application in a positive and creative manner.

This has involved proactive discussions at pre-application and planning application stage to discuss the principles of the proposal and to provide additional information to support assessment of the application. The application was also determined within the relevant timescales.

1.0 SITE CONTEXT AND BACKGROUND

1.1 The application site comprises a parcel of land (625 sq. m) located at the junction of High Street and A226 London Road/ Galley Hill Road. The George and Dragon Public House, a 3 storey building, is situated to the northern part of the site fronting onto London Road with the entrance door accessed from the side of the building on High Street.

1.2 The ground floor of the building consists of an internal bar and seating area, with a small dining area and kitchen to the rear. Stairs to the rear of the bar area provide access to basement below, and to staff/guest rooms on the first and second floors. Externally there is a small seating area near to the side entrance door fronting the High Street. To the rear there is a parking area, storage and larger external seating area which is part covered by a canopy. This area is shielded from view by a boundary wall and fence along the High Street.

1.3 Neighbouring uses consist of commercial operations to the west and south in the Galley Hill Industrial Estate. On the northern side of London Road that are further commercial units with some residential apartments. A Grade II* listed building, the Church of All Saints, lies to the eastern side of High Street, which has been converted to residential apartments, and further residential properties are located to the south east.

1.4 The site lies within the Borough of Dartford and within the Swanscombe Peninsula Major Development Site as identified in the Ebbsfleet Implementation Framework

2.0 PROPOSAL

2.1 The proposal seeks to change the use of the building from use as a public house (Use Class A4) to a pizza delivery and takeaway (Use Class A5). The entrance to the building would be via an existing door on the northern side of the property, near to the existing bus stop. The first and second floors of the building, which are currently used for staff/ guest accommodation ancillary to the current use as a public house, would be retained as ancillary accommodation for the takeaway use.

2.2 Minor changes are proposed to the external appearance of the building for ancillary equipment in connection with the proposed use. These comprise an extraction duct and inlet grill on the western elevation, and air conditioning/ cold room compressors at ground floor level on the southern elevation. No other changes to the external appearance of the building or site are proposed, with the exception of replacement signage indicated on the submitted elevations, which would be subject to control under the Advertisement Regulations 2007.

2.3 The application is accompanied by the following plans and documents:

- Drawing no. 001 Rev. A - Site Location Plan and Existing Site Plan

- Drawing no. 002 Rev. A - Existing Basement and Ground Floor Plans
- Drawing no. 003 Rev. A - Existing First and Second Floor Plans
- Drawing no. 004 Rev. A - Existing Elevations
- Drawing no. 005 - Proposed Site Plan
- Drawing no. 006 - Proposed Basement and Ground Floor Plans
- Drawing no. 007 - Proposed First and Second Floor Plans
- Drawing no. 008 - Proposed Elevations
- Design and Access Statement (Issue 2) by Cook Associates dated November 2019
- Environment Agency Flood Map for Planning dated 26th November 2019
- Letter – Ebbsfleet Development Corporation dated 15th July 2019 (Pre-Application Advice)
- Estate Agent Letter by Sidney Phillips dated 19 November 2019 (Ref. RCO 19112019
- Estate Agent Letter by Sidney Phillips dated 10 January 2020 (Ref. RCO 10102020
- Estate Agent Letter by Sidney Phillips dated 3 March 2020 (Ref. RCO 03032020
- Email – Pegasus Group dated 20th May 2020 (Agent Comments on Marketing)
- Proposed Change of Use Application, George and Dragon Public House, Swanscombe - Transport Note - February 2020 by Croft Transport & Design
- Sequential Sites Assessment, George and Dragon, 1 London Road, Swanscombe dated February 2020 by Pegasus Group (Ref. P19-1774)

2.4 Updated and additional plans were received for the application to provide necessary clarity on the proposed use and function of the rear parking area, as well as further information to address concerns raised upon original submission of the application in terms of loss of community facility, proposed Class A5 use outside of a designated centre, and parking provision.

3.0 RELEVANT PLANNING HISTORY

3.1 14/01120/ADV – Display of 5 Replacement externally illuminated fascia signs in existing positions 1 externally illuminated and 2 No. non illuminated additional fascia signs and 1 No. non illuminated pole sign.

Approved 07.10.14 by Dartford Borough Council

3.2 15/00877/ECFUL – Provision of 3 No. angled flagpoles (retrospective), 1 No. vertical flagpole and ‘café barriers’ within curtilage.

Approved 14.08.15 by Dartford Borough Council

3.3 15/01270/ECADV - Display of Public House name on and graphic motif "on cafe barriers".

Approved 05.10.15 by Dartford Borough Council

3.4 EDC/16/0034 - Erection of a single storey rear extension with construction of enclosure to repositioned stairs to first floor.

Approved 16.09.16 by Ebbsfleet Development Corporation subject to conditions. This consent has now lapsed.

4.0 PUBLICITY

First Round of Publicity - December 2019

4.1 Notification letters were sent to 74 adjoining residential and business properties. The application was also publicised on site via 2no. site notices and in the Ebbsfleet Development Corporation (EDC) weekly list.

4.2 In addition, notification was sent to Dartford Borough Council Swanscombe Ward Members, Cllr Anita Barham and Cllr Emma-Louise Ben Moussa, and Swanscombe and Greenhithe Residents Association.

Second Round of Publicity - May 2020

4.3 151 notification letters were sent, comprising letters to adjoining residential and business properties, and other parties whom had previously commented on the proposal . The application was also publicised on site via 2no. site notices and in the Ebbsfleet Development Corporation (EDC) weekly list.

4.4 In addition, notification was sent to Dartford Borough Council Swanscombe Ward Members, Cllr Anita Barham and Cllr Emma-Louise Ben Moussa, and Swanscombe and Greenhithe Residents Association.

5.0 REPRESENTATIONS

First Round of Publicity - December 2019

5.1 A total of 53 written representations were received following publicity, which are detailed below. These comprise comments from a local resident, local councillors and members of the public.

5.2 Local resident comments stated as being in neither support nor objection - 1no. written representation:

- Query location of the existing 10 parking spaces stated on application form as they are certainly not out the front of the address

5.3 Public comments stated as being in support - 1 no. written representation:

- Swanscombe does not have a recognised pizza branch;
- Hopefully provide jobs for local residents;
- Concern that it doesn't affect traffic as on a corner with traffic lights.

5.4 Public comments stated as being in neither in support nor objection – 2no. written representations:

- Shame to have one of the remaining pubs in Swanscombe turned into a takeaway building;

- A restaurant or gastro pub would make more sense as nowhere in Swanscombe to have a meal out;
- Concern that there is no parking and people pulling up onto the pavement to collect pizzas that would cause problems with the traffic lights in front of the property.

5.5 Public comments in objection – 47 written representations:

- Additional traffic and congestion;
- Illegal parking at busy traffic light junction;
- Parking inadequate in area blighted by inconsiderate drivers and inadequately policed;
- Public house clientele has largely walked from the local community, a delivery and takeaway business generates much more frequent footfall largely by motorised vehicles;
- Swanscombe does not need more takeaways;
- Swanscombe already has a fish and chips, Chinese, kebab and pizza takeaway, and 2 minutes away an Indian and another kebab takeaway;
- There are already a number of takeaways in Swanscombe which serve pizza as well;
- Takeaways and pizza delivery outlets are also in nearby areas with 14 in a 6 mile radius;
- Having more takeaways is promoting unhealthy eating for adults and children;
- Nuisance from noise and anti-social behaviour;
- Only 3 pubs and Sports pavilion left in Swanscombe for entertainment;
- Impact on character of the area and entrance to Swanscombe;
- Pizza takeaway will not give good impression as enter Swanscombe;
- Increased litter from people leaving the premises;
- No mention of what is intended for the upstairs accommodation which have been residential or used for bed and breakfast guests;
- If a takeaway is needed in Ebbsfleet it should be in Ebbsfleet;
- Loss of the George and Dragon as an asset/hub and much loved historic part of the community, iconic and beautiful building, and devastating to the surrounding area;
- Due to heritage of the building would be nice to see it open as a pub again;
- Already lost three pubs from the local area, more housing and more people and only two pubs;
- Other uses suggested such as destination of choice for families, carvery, youth club/centre, family friendly restaurant, place for community to get together, doctor's surgery, medical walk-in-centre, greengrocers or somewhere offering healthy food;
- More effort should be made to seek a buyer for the pub or offer it to a brewery, pubs are the centre of their community, pizza places are not;
- The George and Dragon had such a wonderful community spirit and was always busy with many regulars;
- Given Ebbsfleet village and Theme park development adding thousands of visitors to the area surely a local pub with character beneficial to the community long term;
- Experience in SE London of number of pubs disappear, planning consent for flats rejected, the pub turned into a takeaway, which shuts after a year, the premises then left empty for a year and then turned into flats.

5.6 Cllr Emma Ben Moussa (Dartford Borough Council – Swanscombe Ward) and Swanscombe and Greenhithe Borough Council – Swanscombe Ward) in objection

- The George and the Dragon was a much loved historic part of our community and the general opinion is it would be nice to keep it as a community place or a public house as it was, or a sit down (healthy restaurant).
- Currently have 14 pizza outlets in a 6 mile radius. Our high street currently has a fish and chips, Chinese, kebab and pizza takeaway and 2 minutes up the road an Indian and another kebab takeaway. We have more than enough takeaways here and it was our belief that EDC is promoting a healthy lifestyle, surely that shouldn't including opening more takeaways.
- The London road is often stuck in gridlock, residents are worried this will bring more pressure to Swanscombe's roads. They don't want the entrance of our town to be a takeaway, its a beautiful building and we like it to remain as something Swanscombe can be proud of.

5.7 Cllr Lesley Howes (Swanscombe and Greenhithe Borough Council – Knockhall Ward) in objection -

- Although the property is historically a public house the cliental has largely walked there from the local community. A delivery and take away business generates a much more frequent footfall which largely comes by motorised vehicles.
- Parking is inadequate in an area already blighted by inconsiderate drivers and parking is inadequately policed.
- The building is situated by traffic lights on a major road junction.
- Takeaways largely generate more rubbish.
- There is no mention of alterations to the upper floors which have been residential or used for Bed and Breakfast guests.

Second Round of Publicity - May 2020

5.8 A total of 55 written representations were received following publicity, which are detailed below. These comprise comments from a local residents, local councillors and members of the public. No comments were stated as being is support or neither in support nor objection.

5.9 Local residents in objection - 5no. written representations:

- Swanscombe has 4 or so entrances, this smart building opposite a church is one and would not like it to be replaced with another fast food vendor.
- Do not want a pizza place made out of one of Swanscombe's historic buildings.
- The High Street alone has fish and chips, kebab, Indian and Chinese amongst others and this will further bring down the appearance of the town.
- Parking will be an issue and with main road and traffic lights outside with the close opposite the only available parking for customers where cars already park illegally for the train station.
- The noise, appearance, disturbance of parking availability and general idea is very unappealing
- Insufficient provision appears to have been made for customer parking spaces which will put further pressure upon the adjacent road and private car parking spaces, resulting in an increase in vehicular emissions and noise pollution and a possible increased risk of accidents.
- Not only will it create more traffic, it was create more rubbish and pollution.

- The proposal does not appear to take existing traffic problems, such as HGVs turning, into account, particularly as the proposed site is adjacent to an industrial estate.
- Logic would also dictate that the current and severe litter problems encountered within the area will be further exacerbated by the opening of yet another fast food outlet.
- A westerly wind may be expected to direct all cooking aromas directly onto and into the neighbouring dwellings.
- There are already have enough fast food places in Swanscombe and don't need another.
- Inappropriate for this area with only negative impacts and no positive outcomes
- Will be problems with litter which is already bad enough, bad cooking smells over adjoining residential areas, noise nuisance, increase in traffic and pollution, and road safety will be compromised on this very busy corner/ road junction.
- 8 car parking spaces not enough, will lead to considerable problems from outlet users parking on the High Street, London Road, All Saints Close and the bus stops on London Road, it is already bad enough with rail commuters parking.
- Already 3 other fast food takeaways in the same street, a proliferation of takeaways is unwanted
- The pizza takeaway is on the daily route of school children going to a from school via the bus stops situated near to the site. Pizza consists of high density fat 3 in 10 children between 2 and 15 are already overweight. Research from the Foresight report (2007) and the Marmot Review (2010) has shown that there is a link with child obesity and fast food takeaways
- Litter and parking may become a problem during non covid 19 times there is already a litter and vermin problem on the high street (rats and foxes) due to rubbish yet another fast food outlet will add to this
- Parking may also become a problem as there is little or none in the area, parking within all saints close is restricted parking, there are yellow lines along the high street ,this would only leave a small area within the premises boundary
- Unwanted odours/smells may also be an issue.

5.10 Public comments in objection – 47no. written representations:

- The pub is over 100 years old changing to a pizza takeaway would be an insult to the history of the building
- Too many local buildings have changed in the past. Swanscombe is losing its identity
- Middle House, Bottom House, Blue Anchor, The Alma, Morning Star have all been demolished for housing, there should be no more
- Area still needs a good pub, The George and the Dragon closing has definitely affected the community with loss of a local meeting point and landmark
- Unnecessary development of an otherwise successful public house
- Locals need to have a selection of amenities – many takeaway and food places but not enough pubs. Bluewater nearby and many places already doing pizza delivery in this area so not needed
- One pub already allowed to be shut and turned into flats can’t allow another one to be turned into a pizza place not even a 100m from the one that closed
- This pub is an iconic pub and was always busy and needs to stay as is
- Have been enough closures of pubs in the area, surely especially with covid-19 should be looking to keep this wonderful pub open at all costs, a real community pub which attracts visitors from other areas as well.

- Already so many takeaways in Swanscombe so many places being knocked down to build flats.
- Terrible shame for the residents of Swanscombe to lose yet another pub with many have disappeared in recent years.
- Swanscombe in desperate need of a welcoming family-oriented pub run on the same lines as previously under the last owners of The George & Dragon. Inappropriate to consign this valuable community asset to history at this time.
- Far too many pubs in Kent have disappeared thanks to unscrupulous, predatory speculators
- Have lost all but 3 of our Public Houses.
- This pub needs protecting and remaining as a public house, several already disappeared, turned into housing developments, the Wheatsheaf is under threat of developers and the Sun unlikely to recover from Covid 19 impacts & current building condition leaving this as one of only two public houses remaining.
- Public Houses are integral places to maintain community spirit and can be a hub for positivity and events in a local area, and steeped in history. This pub an integral part of our community.
- the George and Dragon was a lovely place to go, should be left to become something where the residents will be proud to have it within their community.
- Various public houses closed recently it should be kept as a public house.
- More than enough takeaways in the area that half of the commercial properties are already taken up Swanscombe does not need another one
- Already enough takeaway food outlets in area including pizza, within walking distance of this pub.
- Surrounding areas have pizza establishments who deliver.
- Unwanted business by the community.
- Should be turned into something for children for an example a youth club
- Area needs a driving test centre
- Not addressing obesity
- Town has enough takeaways that cater to the needs of the town.
- Being on the corner of a busy main road will cause chaos for us local residents
- note that there are already shops spaces available at nearby new build estates that are probably more suitable.
- Another takeaway not needed, litter, traffic. What happened to community
- Don't need another fast food shop. Need a few pubs left.
- Swanscombe already has 5 establishments selling food, one of which includes pizza. It is located close to Bluewater which has numerous food establishments. There is no requirement for an additional restaurant/ takeaway
- Parking is a big issue at the end of Swanscombe and late opening hours will also impact people living near
- Will cause issues with traffic and noise especially if Paramount goes ahead.
- Poor access as on a junction off 2 busy roads when it was a pub people mostly walked there.
- Parking in area is already dangerous will make this worse
- Not suitable on a corner of a junction people will be stopping in the bus stop and dropping of litter in the local area
- Safety at that point on London Road as parked cars would lead to blind spots at the lights.
- Adjoining car park is very small.
- Limited visibility and tight corner already makes that turning dangerous with mix of people parking up and delivery drivers around the area also close to a high volume bus stop inevitable for an increase in accidents
- Would cause no end of aggravation to the local residents, increased traffic

- Pollution and danger to school children waiting to board buses next to outlet.
- Will cause further traffic congestion, additional to already experienced frequently due to Bluewater and A2/M25 traffic short cutting every time there is congestion.
- People do not stick to designated parking areas & will go for the easy option which in this case will mean causing hazards at an already busy junction.
- Inevitable that there will be a noise nuisance from visitors, cars and whatever delivery bikes are utilised until late in the evenings.
- Smell from the stack and will not fit into the area
- Be detrimental to town and neighbourhood
- Another fast food business would encourage more rubbish, antisocial behaviours by visitors to the site, increased noise levels, light disturbance.
- If pizza takeaway approved must stipulate that it cannot be turned into residential space for at least 10 years.
- Will increase the potential for anti-social behaviour in the vicinity
- No mention of what is intended for the upstairs
- Will only have a negative impact on the area generally.
- Blight to the area from litter, High Street is bad enough without a pizza restaurant.

5.11 Cllr Emma Ben Moussa (Dartford Borough Council – Swanscombe Ward) and Swanscombe and Greenhithe Borough Council – Swanscombe Ward) in objection:

- Previously objected to this application and will do so again
- Swanscombe has multiple take always already and the surrounding area has an abundance of pizza takeaways except maybe Ebbsfleet itself.
- Ebbsfleet vision is to be a healthy town and this contradicts that although Swanscombe is not in Ebbsfleet it would be nice to see the same emphasise on a healthier lifestyle given to us too.
- The road is traffic heavy and often have cars queuing up the high street with particularly dangerous parking around coop site, any additional traffic will make this more dangerous and EDC have kindly being trying to help us make it safer.

5.12 Cllr Anita Barham (Dartford Borough Council – Swanscombe Ward) in objection:

- Insufficient provision appears to have been made for customer parking spaces, which will put further pressure upon the adjacent road and private car parking spaces, resulting in an increase in vehicular emissions and noise pollution and a possible increased risk of accidents.
- The proposal does not appear to take existing traffic problems, such as HGVs turning, into account, particularly as the proposed site is adjacent to an industrial estate.
- Logic would also dictate that the current and severe litter problems encountered within the area will be further exacerbated by the opening of yet another fast food outlet.
- The Ebbsfleet Garden City vision is to be a healthy town; and this planning application contradicts that aspiration for a healthier lifestyle.

5.13 Cllr Peter Harman (Dartford Borough Council – Greenhithe & Knockhall Ward) in objection:

- Insufficient provision appears to have been made for customer parking spaces, which will put further pressure upon the adjacent road and private car parking spaces, resulting in an increase in vehicular emissions and noise pollution and a possible increased risk of accidents.

- The proposal does not appear to take existing traffic problems, such as HGVs turning, into account, particularly as the proposed site is adjacent to an industrial estate.
- Logic would also dictate that the current and severe litter problems encountered within the area will be further exacerbated by the opening of yet another fast food outlet.
- The Ebbsfleet Garden City vision is to be a healthy town; and this planning application contradicts that aspiration for a healthier lifestyle.

6.0 CONSULTATION RESPONSES

6.1 The following organisations have been consulted on the application:

- Kent County Council Highways and Transportation
- Dartford Borough Council
  - Planning
  - Environmental Health
- Swanscombe and Greenhithe Town Council
- Kent Police Crime Prevention Officer

6.2 The following responses have been received and summarised as follows:

Kent County Council Highways and Transportation (KCC Highways) - KCC Highways and Transportation would not normally comment on change of use applications. Suggest the applicant liaises with KCC Highways and Transportation and Dartford Borough Council to investigate the implementation of Double Yellow Lines within the vicinity of the site. Any changes to the Traffic Regulation Order would be subject to consultation and at a cost to the applicant.

EDC Officer Comment: A planning condition for the applicant to fund and use best endeavours to implement a TRO would be sought were permission recommended to be approved.

Dartford Borough Council Planning and Environmental Health (DBC) - Object to the proposed change of use as being contrary to Policies DP19 and DP21 of the adopted Local Plan and could result in harm to the character, amenity and highway safety in the surrounding area.

Public houses that area well-established within the locality are included within definition of Community Facilities within the Development Policies Plan (DPP) and covered by Policy DP21 where there is a reasonable possibility of the building being re-used to provide community services. The Council considers that the George and Dragon PH has been well-established in the community for some time, providing a meeting place for locals and a focus for the community, and is significantly different from the Alma PH which the applicant refers to. Consideration of the application to convert the Alma PH (18/01002/OUT) concluded that this did not provide a community facility.

DP12:2 advises that the loss of community facilities will only be permitted where they are no longer needed by the local community and the facility or land has no reasonable prospect of being viably reused to provide the same or other type of community use. A relatively short period of marketing took place for the property prior to it being sold, and the further marketing letter (dated 3 March 2020) advises that the

property has continued to be marketed following the submission of the application in November. However, the applicant appears to own the property already, based on Certificate A and so the Council have doubts about the purpose of this marketing and there is no information on any interest that was received in response to this marketing and how this was treated. The Borough Council have doubts whether such marketing is sufficient to conclude that there is no prospect of the property being used for another type of community use or indeed a public house. Given the location of the building close to a major growth area and on a strategic east-west route the Council consider that there is a reasonable possibility of the building being re-used as an A4 use or similar community service to serve the local area.

Policy DP19 of the adopted Local Plan sets out criteria for proposed A5 uses to be considered against. As the property is located on a strategic east-west route through the Borough, designated as an Air Quality Management Area the Council has concerns regarding likely traffic generation, and indiscriminate parking due to the short visits likely to result from this use, which could impact on the free flow of traffic in this area and highway safety around the junction with the High Street. The applicant's Design and Access statement refers to rear servicing and access at the property reached via private land outside of the red line planning application boundary, so request that EDC satisfy themselves that there are adequate rights of way for the proposed use.

Policy DP19:2 advises that takeaways will normally only be permitted within designated centres. The site falls outside of the designated district centre of Swanscombe and given its location on a main strategic road is likely to generate trips from a wider area than simply the district centre catchment. The Council raise concerns that this may result in increased private car use contrary to the objectives of the adopted Local Plan.

No information has been submitted with regard to odour and noise in relation to the proposed use, but the Council's Environmental Health Officers consider that an appropriate solution could be found to mitigate this. Should planning permission be granted conditions requiring details of a scheme for odour and noise control, details of any plant, a full air quality impact assessment, details of external lighting, and control on site working hours are requested. should planning permission be granted. Given the location of this property on a prominent ridge, the Council raise some concern that any plant or flues could be prominent on long-distance views as well the impacts from external lighting and consider that such matters should be assessed in detail. The applicant is also requested to contact Environmental Health, Food Safety Team at the initial design stage, with respect to advice on compliance with food safety legislation and advice regarding a food registration.

EDC Officer Comment: Whilst EDC are the determining authority and decision maker in respect of DBC planning policy, DBC remain the plan-making authority and therefore comments in this regard have been treated as being from the Planning Policy Manager. Were the application to be recommended for approval, planning conditions would be recommended for the matters raised by DBC Environmental Health.

Swanscombe and Greenhithe Town Council - Object to the application due to poor access over private land, inadequate parking leading to anti-social parking in surrounding area, effect on air quality, increased noise, litter, traffic and congestion with the adjacent junction the scene of numerous road traffic accidents, the proposal being out of keeping with character of the area, would negatively impact amenity and unsuitable at entrance to Swanscombe, insufficient evidence of need for the

proposed use and would go against EDC's objectives for healthy lifestyles. Advise sheer volume of responses to this application gives a very good indication on whether the application is wanted or needed by the local community. Request confirmation that the application meets the principles of the Dartford Adopted Local Plan.

EDC Officer Comment: The above comments have been considered in section 9 of this report.

Kent Police Crime Prevention Officer – Recommend the use of Secured By Design (SBD) security standards for any replacement doorsets and windows and other security items, as detailed in the SBD Commercial 2015 guide.

EDC Officer Comment: The application does not seek to replace doorsets or windows.

7.0 PLANNING POLICY

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 The development plan comprises the adopted Dartford Core Strategy 2011, the Dartford Development Policies Plan 2017 and the Kent Minerals and Waste Local Plan 2016. The Core Strategy provides the framework for development in the Borough of Dartford by outlining where, and how many, new homes and jobs will be created. The first policies of the plan identify locations for major development at Dartford Town Centre/ Northern Gateway, Ebbsfleet to Stone and the Thames Waterfront. Its objectives are also delivered through the Development Policies Plan 2017 which includes more detailed thematic policies, together with Supplementary Planning Documents (SPDs).

7.3 The development plan policies and supplementary planning documents relevant to the consideration of this application are set out below:

Dartford Core Strategy (CS) (September 2011)

- Policy CS9 - Skills and Training
- Policy CS12 - Network of Shopping Centres
- Policy CS15 - Managing Transport Demand
- Policy CS23 - Minimising Carbon Emissions

Dartford Development Policies Plan (DPP) (July 2017)

- Policy DP1 - Dartford's Presumption in Favour of Sustainable Development
- Policy DP2 - Good Design in Dartford
- Policy DP3 - Transport Impacts of Development
- Policy DP4 - Transport Access and Design
- Policy DP5 - Environmental and Amenity Protection
- Policy DP13 - Designated Heritage Assets
- Policy DP14 - Retail and Town Centre Development
- Policy DP17 - District Centre
- Policy DP19 - Food and Drink Establishments
- Policy DP20 - Identified Employment Areas
- Policy DP21 - Securing Community Facilities

8.0 OTHER RELEVANT GUIDANCE

National Planning Policy Framework and Guidance

8.1 The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. The Dartford Core Strategy and Development Polices Plan have been found to be sound and consistent with the NPPF. Planning Practice Guidance (PPG) supports and clarifies areas in the NPPF.

Supplementary Planning Guidance

8.2 The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on adopted policies and are material considerations in determining planning applications. The following documents are relevant to the consideration of this application:

- Dartford Borough Council Parking Standards Supplementary Planning Document (July 2012)
- Swanscombe Peninsula West Planning Brief (February 2004)

Ebbsfleet Development Corporation Documents

8.3 EDC has published its Implementation Framework dated 2017 which sets out the area wide spatial framework, vision for Ebbsfleet alongside strategic development areas and associated design guidance.

8.4 EDC has produced a Sustainable Travel Strategy which considers a range of safe, convenient and affordable travel options for local journeys within the Ebbsfleet Development Area to reduce the need to use or own a car. The document was approved by the EDC board in May 2020 subject to final comments being received from Dartford and Gravesham Borough Councils.

9.0 PLANNING APPRAISAL

9.1 Principle of Development

9.1.1 The application site lies outside of Priority Areas and Strategic Sites identified by the Dartford Core Strategy however it is adjacent to, and shares a rear vehicle access with, an area allocated for employment uses as shown on the Dartford Policies Map. Dartford Core Strategy Policy CS7 supports the development and ongoing protection of such employment floorspace. The principle of the proposal for an A5 Class use of the property is not considered to prejudice ongoing operations of these adjoining employment uses, however detrimental impacts may occur without suitable controls over the proposal's operation.

9.1.2 The application site and most of the wider Swanscombe Peninsula are within the red line boundary of the proposed London Entertainment Resort, which has been classified as a Nationally Significant Infrastructure Project (NSIP). Relevant case law suggests that in the absence of conflict with planning policy and/or other planning harm, the relative advantages of alternative proposals on an application site are, in most cases, not relevant in planning terms. The potential NSIP application for

London Entertainment Resort, as an alternative scheme, is not considered to impact assessment of this application under the Town and Country Planning Act 1990.

Loss of Community Facility

9.1.3 Paragraph 92 of the NPPF seeks, that in order to provide the social, recreational and cultural facilities and services the community needs, for planning policies and decisions to plan positively for the provision and use of community facilities, including public houses, to enhance the sustainability of communities and residential environments, and to guard against the unnecessary loss of valued facilities and services. The NPPF also encourages the taking into account, and supporting of, the delivery of local strategies to improve health, social and cultural well-being for all sections of the community. This is supported by paragraph 91 which seeks for planning policies and decisions to aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles.

9.1.4 Dartford Development Policies Plan 2017, in the preamble to policy DP21 sets out the need for retention of community facilities. Paragraph 14.4 identifies community facilities as encompassing buildings and spaces used for a variety of purposes. Paragraph 14.5 further identifies that facilities often valued by the community, including public houses that are well established within the locality and where there is a reasonable possibility of the building being reused to provide community services, as being community facilities.

9.1.5 The George and Dragon PH has been well established for a long period of time within the locality, and as a local meeting place and focus for the community, which is emphasised by the number of local objections received which comment on the loss of the public house use. Until the latter part of 2019 the George and Dragon was trading as a public house, with photographs of the existing interior showing the property to be in a good condition. The property retains facilities including the bar, standing and seating areas both internal and external, kitchen, rear servicing, basement, and storage areas. Many comments also refer to the three other public houses in Swanscombe which have been lost (through conversion to housing) over the previous 10 years. Comments from DBC that the George and Dragon PH's location close to a major growth area and on a strategic east-west route supports there being a reasonable possibility of the building being re-used as an A4 use or similar community service to serve the local area are considered justified, particularly in relation to upcoming residential and commercial development proposals in the vicinity and Ebbsfleet area as a whole, and the reduced number of public houses within Swanscombe itself.

9.1.6 Given the above, the proposed change of use of the George and Dragon PH, being a community facility, needs to satisfy the requirements of Policy DP21:2. This requires *clear evidence that a) the facility is shown not to be needed by the community (both current and future planned users), and (b) that all reasonable efforts have been made to preserve a community use, including exploration of appropriate solutions to retain the facility with operators/ service providers and where appropriate the local community. Consideration should include any potential future demand arising from new development located within the catchment area of the facility/ use.*

9.1.7 The pre-amble to policy DP21 in paragraphs 14.8 to 14.10 outlines the information required from applicants to address the requirements of Policy DP21:2, namely that it must be demonstrated that there must be no reasonable prospect of the community facility being viably reused to provide the same or another type of community use,

and that a full search for another operator/ provider should be made with sufficient effective marketing needing to have taken place, defined as:

"continuous proactive marketing for an appropriate period, but not exceeding 12 months, using a professional agent and an appropriate range of online, on site and other advertising media. The asking price should, throughout the 12 month period, be shown to be reasonable for the property and location, and to reflect the market value of the uses currently required under policy."

9.1.8 The application is supported by a Design and Access Statement which advises that the George and Dragon has been marketed with the same professional agent as for The Alma, a former public house nearby in Swanscombe, which was approved for conversion to housing in 2019. Several marketing letters from the estate agent have been submitted which state that at the time of instruction the George and Dragon was open and trading as a public house with food offering but closing down several days later. The letter advises the property has been marketed since 14 August 2019 for continued use as a public house with a full marketing campaign. No viewings were conducted and only one offer received at 'an unacceptable figure much below the asking price' with the intention of the party making the offer to demolish the property and construct a new purpose-built restaurant unit. The estate agent letter offers further opinion that a potential purchaser would be unlikely to secure a commercial loan or mortgage to acquire and refurbish the property.

9.1.9 Comments received from DBC highlight that the property was marketed for a short period of time before being sold to the current applicant, whom based on the application form ownership certificate was owner of the property at least 21 days prior to when this application was submitted on 27 November 2019. Publicly available Land Registry transaction data indicates this time period being shorter still with a sale of the property registered as having taken place on 30 September 2019, and pre-application advice was sought for a similar proposal in June/July 2019.

9.1.10 It is therefore questionable how proactive this marketing is since it has been carried out by the current owners and applicants whom would likely have little intention to sell the property. This is evidenced by the submitted marketing letters over the planning application period, which other than updating the number of views and enquiries from potential purchasers, do not provide any further information on potential purchasers, how their enquires were treated, their feedback on re-opening the property as a public house, nor any efforts to regularly refresh the marketing (for example press publications, updated sales particulars) to actively seek a buyer for the property. The proposed asking price for the property is stated as having been derived from being double the sale price of the Alma, with no supporting evidence in justification other than it being twice the floor area.

9.1.11 It is relevant to note that in addition to the specific circumstances of the Alma, the comparative letter, submitted by the same estate agent, in the application for its redevelopment (ref. DA/18/01002/OUT), detailed 13 viewings having been undertaken and offers received. In addition it provided feedback from potential purchasers on the capital expenditure for repairs and refurbishment of that property to assist demonstrating that sufficient marketing had taken place in that particular circumstance, where factors such as its poor condition, long period of being closed, and poor reputation over many years were applicable. By contrast the George and Dragon has been well-established for a long period of time as a local meeting place and focus for the community, recently in operation as a PH and seen to be in good condition, and would therefore require substantially more evidence to demonstrate it could no longer function as a PH or another community use.

9.1.12 Whilst the Dartford Development Policies plan does not prescribe a minimum marketing period, up to 12 months is referenced. With no viewings having been undertaken for the George and Dragon, and limited supporting information to demonstrate the asking price as reasonable, continuous proactive marketing of the property is therefore not considered to have been demonstrated within the application.

9.1.13 Notwithstanding the above, no evidence has been provided within the application to justify that there is no prospect of the building being used as a public house, nor that a full exploration of alternative community uses has taken place. It is therefore considered that the proposal has not met the requirements under Policy DP21:2 for development of an existing community facility.

9.1.14 The Design and Access Statement implies that a hot food takeaway could provide a community function as a meeting place since the NPPF refers to local shops and meeting places as community uses. Whilst, NPPF paragraph 92(a) refers to the provision of local shops and meeting places as community facilities, local shops generally fall within use class A1. A hot foot takeaway falls within use class A5, and the proposed ground floor plans submitted show minimal standing and seating within the customer waiting area for social interaction. The retention of the building as a community facility through the meeting space provided as part of its use as a hot food takeaway is therefore considered a weak argument.

9.1.15 Further comments provided by the agent for this application refer to the current temporary permitted development rights until 23 March 2021 for public houses to operate as a takeaway, that takeaways form important community services during current period of social distancing, and that these rights would enable temporary loss of the public house use. It is not considered however that the current permitted development rights, since they are temporary, provide any support as a fallback position for the permanent change of use proposed by this application.

Proposed use outside of a Designated Centre

9.1.16 Paragraph 85 of the NPPF advocates support for town centres, for a network and hierarchy to be defined and to promote their long-term vitality and viability. Building on the approach of the retail strategy from Core Strategy Policy CS12, the Dartford Development Policies Plan identifies a network of designated centres. Policy DP14:1 seeks for investment to be directed as planned towards centres, and that A-Class uses will not be permitted outside centres where the sequential test is not met. Policy DP17 provides support for A-Class uses in district centres and Policy DP19 resists further A5 Takeaway uses.

9.1.17 The Dartford Policies Map and Appendix B of the Development Policies Plan identifies specific properties as being within designated District and Neighbourhood Centres. The application site does not lie within these and as it lies within 300m of the nearest designated centre at Swanscombe High Street would be defined by the NPPF as an edge of centre location. It is however also physically separated from the centre with the only pedestrian route being a narrow footway of a road bridge crossing the east-west railway, and by being outside of a designated centre Policy DP19:2 defines the site as an inappropriate location for a takeaway.

9.1.18 Policy DP14:4 requires an impact assessment in addition for retail development over 500 sq. m floorspace, however as the floorspace of the George and Dragon PH is below this at 339 sq. m, an impact assessment is not required. A sequential test still

needs to be met to meet requirements of policy DP14:1 and a Sequential Sites Assessment has been submitted as part of this application. The assessment details a desktop search of available commercial properties within a ½ mile radius of Swanscombe District Centre having a floor area between 100-500 sq. m. This identified only one available property of size 74-84 sq. m, concluding that there are no available, suitable and viable sites within a nearby designated centre. Additionally the assessment notes that since the proposed use would replace an existing town centre use in an edge of centre location, there would be no increased level of harm to the existing centre as a result.

9.1.19 Planning Practice Guidance paragraph 011 (Reference ID: 2b-011-20190722 Revision date: 22 07 2019) advises that it is for the applicant to demonstrate compliance with the test, and that the application of the test will need to be proportionate and appropriate for the given proposal. The submitted assessment confirms it has been limited to a desktop search of the immediately nearby designated centre to the application site. Given that the scale of the proposed use would be expected to draw a much wider catchment than the immediate locality, it is considered that a desktop search alone is not sufficient to assess the availability of suitable property and that justifiable reasoning for the proposal needing to be located in Swanscombe would also be required to be demonstrated. As evidenced by local representations received, a range of existing takeaways are present within the nearest centre, providing no justification for the provision of an additional takeaway outside of the designated centre to meet the centre's needs. Wider area considerations could also be reasonably expected to be taken into account, for example opportunities to provide the use within new developments coming forward within Ebbsfleet. The sequential test is therefore not considered to have been passed.

9.1.20 Takeaways (Class A5) also need to be in accordance with Policy DP19:2 which specifically states that 'Takeaways (Class A5) will normally be permitted only within the development plan's network of designated centres.' The proposal for takeaway use outside of designated centre is therefore contrary to this adopted development plan policy and an adequate justification would be required to overcome this, which is not considered to have been provided.

Summary

9.1.21 The proposal is considered contrary to policies DP21, DP14 and DP19 of the adopted Dartford Development Policies Plan with no material considerations that would indicate otherwise, and therefore unacceptable in principle. It is additionally noted that both of these in-principle concerns were raised with the applicant at pre-application stage and when the application was originally submitted, with further information submitted to address the concerns still considered inadequate.

9.1.22 Other relevant matters to consider for the proposal are:

- Transport Impact, Access and Parking
- Impact upon Neighbouring Amenity
- Impact upon Visual Amenity and Heritage Assets

9.2 Transport Impact, Access and Parking

9.2.1 The NPPF advocates sustainable transport methods and the use of public transport, walking and cycling as a core planning principle. The NPPF requires that new developments should mitigate their impact on the highway and public transport

networks, to ensure delivery of travel choice and sustainable opportunities for travel. Dartford Development Plan Policy DP5 also requires that unacceptable impacts on neighbouring impacts from traffic, access and parking should not be caused by development, supported by policy DP19:1 in relation to these impacts from new food and drink uses (Classes A3, A4 and A5).

9.2.2 The NPPF states that development should only be prevented or refused on transport grounds where the impacts of development are severe. Policy DP3 requires development to be appropriately located and to avoid severe impacts on road traffic congestion, air quality, safety of road users, and excessive pressure for on-street parking. Policy DP4:2(g) requires proposals to be in full accordance with the Dartford Parking Standards SPD. For Use Class A5, the Dartford Parking Standards SPD requires 1 car parking space per 10 sq. m of floorspace for customers, and 1 car parking space per 2 staff, and for 339 sq. m floorspace of the property proposed to change use would equate to 34 spaces in addition to staff parking. Even were the ground floor area (157 sq. m) of the building to be considered alone given ancillary use of the floors above, the car parking requirement would equate to 15-16 spaces in addition to staff parking. Additionally, cycle parking of 1 space per 100 sq. m floorspace for customers and 1 space per 100 sq. m floorspace for staff (total 7 cycle spaces) would be required.

9.2.3 EDC's Sustainable Travel Strategy outlines a car parking standard for the Garden City in the context for a collection of sustainable travel modes being delivered. The commercial parking in the strategy is 20% lower than the Dartford Parking Standards SPD with the cycle parking requirement being 20% higher. For a class A5 use this provides a car parking requirement of 1 space per 12 sq. m for customers and 1 space per 2.4 staff, equating to customer car parking requirement of 28 spaces for the building, or 13 spaces if the ground floor was considered alone, both in addition to staff parking. 8 cycle parking spaces would also be required.

9.2.4 The location of the application site at the signal controlled junction of High Street and A226 London Road/ Galley Hill Road gives particular concern of the impact of overspill parking from the proposed use on the free flow of traffic in this area and highway safety at this junction. This concern has also been raised both in public comments and the consultation response from DBC. The adjacent residential area of All Saints Close to the east is also sufficiently close to the application site to be impacted by indiscriminate parking owing to the proposal. The short visits likely to result from customer collections also raise issues of potential parking on the adjacent footways, and the bus layby on the A226 which is close to the proposed customer entrance, particularly during evenings when parking enforcement is less likely, and idling vehicles within an Air Quality Management Area (AQMA).

9.2.5 The application site lies within an AQMA declared at A226 London Road/ Galley Hill Road due to levels of particles and nitrogen dioxide. Dartford DPP Policy DP5 requires additional consideration to be given to potential amenity factors such as air quality, which includes development resulting in additional traffic flows to impact AQMA's. No information has been submitted with the proposal in respect of its impact upon air quality. Comments from the Environmental Health officer at DBC confirm that if the scheme was deemed acceptable that such an assessment should be secured via condition.

9.2.6 The application is supported by a Transport Note which concludes that the site location is highly accessible by non-car modes of transport and that the 8 car parking spaces proposed would be sufficient to accommodate the likely demand for parking to be generated by proposal. 60% of total trade is anticipated to be via deliveries with

the remaining 40% as customer collections, and a large proportion of the latter placed as orders in advance (thereby reducing the period of stay) with a proportion of these trips by sustainable transport means. The 8 car parking spaces are proposed to the rear of the site, which would be accessed via private land of the adjoining industrial area, outside of the red line boundary of the application and ownership of the applicant. The applicant has confirmed that 24 hour rights exist over this land however has not substantiated this with any legal documentation, which raises concern over viability of its use for customer parking as identified in comments from DBC. No cycle parking has also been proposed.

9.2.7 The Transport Note refers to 2-3 staff employed within the unit, 2-3 delivery drivers during the day and 6-8 drivers in the evening. This is consistent with the employee numbers stated in the application form of 4no. full time and 8no. part time staff (8 FTE equivalent) over the proposed opening hours of 10.30am to midnight 7 days per week, although the applicant has clarified that these are the minimum employee numbers. The Transport Note also considers that parking restrictions on the surrounding highway network would discourage any on-street parking from occurring, and that the existing use as a PH would have generated some on-street parking where only staff parking was provided at the rear.

9.2.8 Comments received from KCC Highways refer to the introduction of a Traffic Regulation Order (TRO) to increase the parking restrictions to double yellow lines and the applicant has confirmed that they would be prepared to implement this and cover the cost. A TRO would require agreement of the District Authority, Dartford Borough Council, and be subject to public consultation before could be made. The introduction of a TRO could therefore not be certain, and whether it would prevent short term parking for collection of orders in late evenings and Sundays/ Bank Holidays when less likely to be enforced is questionable. It is therefore considered that minimal weight could be placed on this approach providing satisfactory mitigation to avoid inconsiderate customer parking and, even if a TRO was successful, would raise questions over enforceability.

9.2.9 Independent advice was therefore sought from a transport consultant who reviewed the submitted transport information and suitability of the on-site parking arrangement on behalf of the EDC/ In respect of on-street parking from the existing PH use it is advised as being unsubstantiated by any evidence, and unlikely to be the case given the nature and urban location of the public house and it being primarily a drinking establishment with a localised catchment area. This view is supported from the information submitted by the PH landlord in 2016 application for a ground floor extension (ref. EDC/16/0034) that customers travelled on foot, public transport, taxis, or by using off-site public car parking that are located too far distant for the short period of stay for a takeaway collection. The takeaway use also introduces delivery services which would not be applicable to a PH.

9.2.10 The transport review carried out further swept path analysis and confirmed the practical accessibility of the 8 car parking spaces as being acceptable. However further discussions with the EDC consultant advised that a more direct route through the site to reach the customer entrance would assist the practical operation and desirability of use by customers. However with regard to the number of spaces required for the proposed use, the review identified that the submitted information provides no quantitative evidence in relation to the anticipated peak delivery / collection demand or likely parking accumulation at the site, in addition to the staff parking requirements (which would include the type of delivery vehicles to be used), from which it could be confirmed that the on-site parking provision would be suitable,

as was provided in both of the appeal cases referenced in the applicant's transport note.

9.2.11 It has therefore not been demonstrated that the proposed parking provision, which is substantially below that required by the Parking Standards SPD and the EDC Sustainable Travel Strategy, would be satisfactory to prevent negative highway safety and parking impacts arising from the proposed change of use at the property. Given the sites location on a main strategic road there is considered a high probability of the use generating trips from a wider area than simply the district centre catchment, and it has also not been demonstrated that there would not be adverse material highways impacts from the traffic generated by the use, particularly given the sensitive location of the site within an AQMA.

9.2.11 For the reasons above, the proposal is therefore considered contrary to policies DP3, DP4, DP5 and DP19 of the Dartford Development Policies Plan. It is noted that concerns over parking provision were raised both at pre-application when the application was submitted, with the applicant being given the opportunity to address these.

9.3 Impact upon Neighbouring Amenity

9.3.1 Dartford Development Policies Plan Policy DP5 requires proposals to be acceptable with regard to impact on neighbours the environment and public health. Policy DP19 requires specifically for new food and drink uses (Classes A3, A4 and A5) to avoid adverse material impacts on; residential amenity of neighbours, and the local environment through noise, vibration and smells.

9.3.2 The site lies in close proximity to residential properties to the north and east, and commercial uses to the north, west, and south. Local amenity impacts considered to arise from the proposal are those of odour, anti-social behaviour and littering, noise and disturbance, with the majority of these impacts have been reflected in public comments received for the application. Local amenity aspects from traffic, access and parking has been considered in section 9.2 of this report.

Odour

9.3.3 Pre-application advice was sought by the applicant for a similar proposal of an unrestricted Class A5 use, which would allow for a range of takeaway types. To address local amenity concerns the proposal in this application is restricted to a pizza takeaway which is generally regarded as having lesser impacts in respect of cooking odours than other takeaway uses due to the means of cooking that takes place. The applicant has additionally confirmed that all side orders are oven cooked and would agree to a condition preventing shallow fat frying. It is considered that, were the application recommended for approval, that the impact of cooking smells could satisfactorily be addressed through planning condition for this as well as further details of the replacement ventilation and extraction systems.

Anti-Social Behaviour and Littering

9.3.4 Use of the existing public house is largely contained within the building and enclosed seating area. Additionally the licensee has a responsibility to ensure customers do not cause nuisance to neighbours. The submitted Design and Access Statement advises the applicant would adhere to the same controls, however the proposal would involve more frequent foot traffic to and from the premises and less regulated outside of the planning system than a licensed premises. The takeaway use would

also generate customer waste in packaging being taken away, compared to the public house where food and drink is consumed within the premises and plates, glasses etc. collected by staff.

9.3.5 Opening hours are proposed from 10.30am until midnight on all days including Sundays and Bank Holidays, consistent with other pizza takeaways and similar to public house opening hours. The proposal with a restriction to a pizza takeaway makes it more practical for customers to take food home as opposed to consuming around the premises and locality, and reduces the number of customers travelling to the premises through the delivery operation and the likely impact upon neighbours. Notwithstanding this the proposal could give rise to additional anti-social behaviour and littering compared to the public house use. For the latter, the applicant has confirmed that a member of staff would litter pick three times a day around the premises and car park. It is considered these additional impacts could be mitigated through planning conditions to detail measures the applicant would take to prevent anti-social behaviour and manage should any occur and remove litter, including providing additional litter bins within the premises and forecourt.

Noise and Disturbance

9.3.6 The property is located on a busy junction with traffic noise such that daytime noise and disturbance, from customers and the ventilation and extraction system, is not considered to arise from the proposed use. Late night disturbance to nearby residents from customers entering and leaving the premises is considered could be addressed under condition for anti-social behaviour measures that the applicant would take to prevent this and manage if arose, with the likely impact similarly reduced by restriction to a pizza takeaway. The proposal would however involve use of delivery vehicles late into evening with noise from engines starting, and potential noise from car engines, doors, and radios from customers arriving in vehicles to collect food.

9.3.7 A new extract duct is proposed to the western elevation of the building, and the Design and Access Statement identifies that this would be of betterment to the existing systems. It is considered that the details of this in respect of noise impact could be satisfactorily secured through a planning condition. As considered under section 9.2, insufficient quantitative evidence of the peak parking demand for customer and staff vehicles has been provided, and the potential for overspill parking within the immediate area could also give rise to associated noise and disturbance impacts upon local residents, for example from indiscriminate parking in residential areas, car doors opening/closing, and stereos, particularly during late evening given the proposed opening hours until midnight.

Health

9.3.8 Several representations received refer to the contribution of the proposal to obesity both in children and adults and the site being on the route of children to school from the adjacent bus stop. It is noted that the development plan does not include takeaway exclusion zones of a specified distance from schools, and that The Craylands School, located nearest to the application site, lies approximately 800m distant. The Dartford Development Policies Plan identifies a network of designated centres and Policy DP19 resists further A5 Takeaway uses by requiring their location to be within designated centres, and preventing clustering of takeaways within centres. As covered in section 9.1, the proposal is considered contrary to policy DP19, with inadequate justification provided for the proposed A5 Takeaway Use

being located outside of a designated centre. This is considered to additionally address concerns with regard to health impact of the proposals.

9.4 Impact upon Visual Amenity and Heritage Assets

9.4.1 Dartford Development Policies Plan Policy DP2 requires proposals to relate to neighbouring buildings and the locality through their form, appearance and choice of materials and policy DP13 to have special regard to desirability of preserving a listed building or its setting.

9.4.2 The only external changes proposed relate to a new extract duct to the western elevation and low-level ancillary equipment on the southern elevation at ground floor. Comments from DBC refer to plant or flues being prominent in long distance views of the property with it being located on a prominent ridge. It is noted however that the site is adjoined by commercial properties and various telecommunications columns are also in close proximity.

9.4.3 The low-level ancillary equipment would be well-screened from public view at the rear, and the proposed extract duct location is discreetly sited where it is largely enclosed by the PH and adjoining commercial warehouse buildings. It would also be set back from the adjoining public highway. Nevertheless, approximately 3.5m of the duct would be visible in direct views from the northern elevation fronting the main strategic road and approximately 1m of the top of the flue from other sides. Were the application to be recommended for approval, it is considered that details of the final appearance could be secured through a planning condition (with more details of the system also required in respect of noise and odour control as discussed in section 9.3 above) to ensure it is sensitive to its surroundings.

9.4.4 The Grade II* Church of All Saints lies to the east on the opposite side of High Street. Due to the distance from the listed building and position on western elevation of the PH, where only 1m of the top part of the extract duct would potentially be visible to the east, it is not considered to impact the listed building setting.

9.4.5 Amended signage around the building would likely be required in connection with the change of use and to direct customers to the parking area at the rear. The submitted plans illustrate the locations of future proposed signage is intended to directly replace the existing PH fascia signage and therefore respectful of the existing building and these details would be subject to the Advertisement Regulations 2007.

9.5 Additional Considerations

Local Employment

9.5.1 Dartford Core Strategy Policy CS9 requires developments, commensurate with their size, to contribute to delivery of skills and promote apprenticeships and work placements within the development. The application form indicates it would create 8 full time equivalent (FTE) jobs, clarified by the applicant as a minimum number, but does not include details of employment levels for the PH use. Due to the scale of development proposed it is not considered appropriate to require provision of a Local Employment and Training Plan. The proposal would however provide a continued use for premises following closure of the public house and potential for future local job creation.

Sustainability

9.5.2 The NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. Dartford Core Strategy Policies CS23 and CS25 require all new development to demonstrate reductions in energy and water use. The floorspace changing use by the development would be under 1,000 sq. m and so not required to meet the above BREEAM standards. However the installation of modern ventilation and extraction systems, as well as any additional new equipment to facilitate the change of use, would generally entail higher standards of efficiency

Community Infrastructure Levy

9.5.3 In considering obligations to secure infrastructure improvements to offset the impact of this proposed development, it is necessary to acknowledge that Dartford Borough Council adopted a Community Infrastructure Levy (CIL) charging schedule in April 2014. CIL is a charge on development to raise and pool contributions from developers to help fund infrastructure and has replaced developer contributions for some types of infrastructure that in the past were funded through site specific s.106 Agreements. Since the proposal would not provide additional floorspace the development would not be liable to make a payment in respect of CIL.

10.0 FINANCIAL CONSIDERATIONS

10.1 Whilst this is not material to the decision, financial benefits will accrue to the area if permission is granted. The Government wishes to ensure that the decision-making process for major applications is as transparent as possible, so that local communities are more aware of the financial benefits that development can bring to their area. In this area the following benefits to the public purse accrue from development – Business Rates.

11.0 HUMAN RIGHTS

11.1 The application has been considered in the light of the Human Rights Act 1998 and it is considered that the analysis of the issues in this case, as set out in this report and recommendation below, is compatible with the Act.

12.0 PUBLIC SECTOR EQUALITY DUTY

12.1 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to –

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

12.2 It is considered that the application proposals would not conflict with objectives of the Duty.

13.0 CONCLUSIONS AND RECOMMENDATIONS

11.1 Following consideration of the information submitted within the application it is considered that insufficient evidence has been provided to satisfy local development plan policies regarding loss of the existing community facility and inappropriate location of a takeaway (Class A5) use outside of a designated centre. The principle of the development is therefore considered unacceptable.

11.2 Whilst the proposed restriction of the use to a pizza takeaway does overcome some concerns expressed at pre-application stage in respect of parking and impact upon residential amenity, the proposal has not demonstrated that sufficient car parking provision could be accommodated at the property and not result in unacceptable on-street parking adjacent to the application site; impacting transport and access conditions at the adjacent traffic-signalled junction and the surrounding area, parking within adjacent residential roads, and associated noise and disturbance impacts to residents within the immediate area.

11.3 The application is therefore recommended for refusal for the reasons outlined in the recommendation.

Case Officer	Manager
Michael Fishpool	Mark Pullin
Dated: 15th June 2020	Dated: 15th June 2020

APPENDIX 2

APPEAL DECISION REF: 3000770

The Planning Inspectorate

Appeal Decision

Site visit carried out on 10 March 2015

by Mrs J A Vyse DipTP DipPBM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 March 2015

Appeal Ref: APP/W3710/W/14/3000770
The Punch Bowl, Tuttle Hill, Nuneaton, Warwickshire CV10 0HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Zeeshan Chaudry against the decision of Nuneaton and Bedworth Borough Council.
- The application No 032816, dated 24 June 2014, was refused by a notice dated 2 September 2014.
- The development proposed comprises change of use from Class A4 (drinking establishment) to Class A5 (hot food takeaway), installation of extraction/ventilation equipment and minor external alterations.

Decision

1. For the reasons that follow, the appeal is allowed and planning permission is granted for change of use from Class A4 (drinking establishment) to Class A5 (hot food takeaway), installation of extraction/ventilation equipment and minor external alterations at The Punch Bowl, Tuttle Hill, Nuneaton in accordance with the terms of the application, No 032816, dated 24 June 2014, subject to the conditions set out in the schedule below.

Application for Costs

2. An application for costs was made by the appellant against Nuneaton and Bedworth Borough Council. That application will be the subject of a separate Decision to follow.

Preliminary Matters

3. The appeal submission includes amended plans.[1] A small bin storage area is added to the rear of the building, comprising an unroofed timber enclosure with a maximum height of some 1.8 metres. In addition, air conditioning and cold room compressor units shown on the original plans as being located on the side facing south-east and north-west elevations respectively, are relocated to the rear elevation, sited immediately above the proposed bin store area.

4. The Council was consulted on the revisions, which are based on the comments of the Environmental Health Officer, and confirms that it is happy to proceed on the basis of the amended plans. The alterations are very minor and I am satisfied that no party would be prejudiced by me determining the appeal on the same basis.

[1] Plan No 14018 Rev C (Proposed elevations Sheet 1) includes amendments dated 12 September 2014 (external bin store indicated) and 19 September (position of condensers amended in line with planning consultant comments). An additional plan (No 14018 Proposed bin store) also shows details of the proposed bin enclosure.

5. Local residents who back onto the appeal site are concerned about the stability of a boundary wall. However, that is a private matter and has no bearing on the planning merits of the respective cases.

Main Issues

6. These relate to the effect of the proposal on the vitality and viability of the town centre, and on the living conditions of nearby residents, having particular regard to noise, disturbance and odour.

Reasons

Vitality and Viability

7. The development plan for the area includes the Nuneaton and Bedworth Borough Local Plan 2006. Policy S7 of the Plan indicates that outside a town or district centre, permission for A5 uses (among others) will only be permitted if specified criteria are met. The first of these requires that such uses are located within existing or new local centres. Since the appeal premises are not located in an existing or new local centre, there would be conflict with criterion a) of the policy.

8. Although there is no explanation in the supporting text as to the purpose of the criterion, the Council's evidence suggests that it is aimed at sustaining and enhancing the vitality and viability of existing centres. However, in not providing any flexibility for A5 uses outside of designated locations, the policy does not chime entirely with Section 2 of the National Planning Policy Framework (the Framework). Whilst seeking to ensure the vitality of town centres, the Framework advocates a sequential, town centre first approach to applications for uses, allowing that, in some circumstances, such uses can be considered outside of town centre or edge of centre locations.

9. Although not required by the Council at application stage, the appellant has undertaken a sequential test, which concludes that there are no sequentially preferable reasonable alternative locations for the development proposed. However, the search related only to a pizza takeaway use and its associated catchment, as opposed to a general A5 use.[2]

10. The Government's Planning Practice Guidance confirms that sequential tests should recognise that certain town centre uses have particular market and locational requirements which may mean that they can only be accommodated in specific locations. I am also mindful of related case law drawn to my attention by the appellant, which has held that the proper test of suitability means suitable for the development proposed by the applicant, rather than suitable for some other purpose,[3] and that the issue of suitability is directed to the developer's proposals, not some alternative scheme.[4] In this case however, the description of development for which permission is sought, as set out on the application form, is described as a general A5 takeaway use, not a specific pizza takeaway use. To my mind, an unfettered A5 use is not directly comparable to the scenarios outlined in the legal cases to which I have been referred.

[2] I am advised, in this regard, that it is intended that, were the appeal to be successful, the premises would be used as a pizza takeaway.
[3] Tesco Stores Limited v Dundee City Council
[4] Threadneedle Property Investments v North Lincolnshire Council and Simons Development limited CO/4764/2012

11. In coming to a view on the appeal scheme, the proposal would not result in the introduction of a town centre use on a site where no such use exists at present. Rather, it would result in the substitution of one town centre use for another, within an existing building and with no increase in floorspace. In particular, it involves the substitution of a use that would provide drink (and often food) and which could, without the need for planning permission, be used as a restaurant, with another use that provides food and drink, albeit on a takeaway basis. In these circumstances, I consider that the results of the sequential test are not determinative in the circumstances of this particular case.

12. On balance, given the existing use of the appeal premises, I am not persuaded that the development proposed would necessarily compromise or undermine the vitality or viability of a town or district centre. There would be no conflict, therefore, with the underlying aim of criterion a) of policy S7, or with relevant national policy and guidance.

Living Conditions

13. Criterion b) to policy S7 requires that there should be sufficient separation between the development proposed and the nearest residential property, having regard to the size and nature of the proposal and the character and nature of the surrounding area. In order to protect the living conditions of neighbouring residents, the explanatory text to the policy indicates that this is unlikely to be less than 30 metres and, in some circumstances, may need to be more.

14. The appeal premises are surrounded by residential properties. As the nearest property is within some 6 metres of the existing building, the suggested 30 metre separation is not met. However, that is not the end of the matter. The interrelationship between the appeal site and adjacent properties is an existing arrangement: the question that needs to be addressed is whether there would be any harm as a consequence of the development proposed when compared with the existing lawful use.

15. Dealing firstly with the matter of cooking fumes and odours: it is not uncommon, in my experience, for hot food takeaways to be located close to residential accommodation and for fumes and smells to be dealt with by means of extraction equipment. I note, in this regard, that whilst there is considerable local opposition to the proposal, the Council's Environmental Health Officer is satisfied that the matter could be dealt with by the imposition of conditions relating to the siting and specifications of the extraction plant and equipment. As recorded by an Inspector in a previous appeal referred to by the appellant,[5] it is to be assumed that, if properly installed and maintained (matters that can be controlled by conditions were the appeal to succeed) cooking fumes and odours can be limited to an acceptable level. I have no reason to suppose that a suitable and effective extraction system could not be achieved at the appeal site.

16. Criterion f) to policy S7 requires that hot food takeaway proposals should not cause additional disturbance to the occupiers of nearby residential properties. The revised location for the air conditioning and cold room compressor units locates them to the rear elevation, further away from residential premises than

[5] Appeal ref: 2143267 Change of use from A1 retail to A5 hot food takeaway at 9c Trafford Drive, Nuneaton. Allowed 7 June 2011.

was proposed originally and the appellant's noise report demonstrates that, provided appropriate attenuation measures are provided (a matter than could be secured by condition) there would be no material harm to the living conditions of nearby residents in terms of noise from the operation of external plant at the premises.

17. In terms of noise and disturbance from customer movements, I am mindful that this is a predominantly residential area and that the site is surrounded on three sides by residential properties. However, the appeal premises are located on a fairly busy road and this is an existing (albeit currently vacant) public house that could be brought back into use at any time and which has an extensive parking area to the side/rear. The premises could also be used as a restaurant without the need for planning permission. There is no objective evidence before me to demonstrate that customers visiting a hot food takeaway at the premises would be likely to give rise to any greater noise and disturbance for local residents than would customers using the premises as a public house. I am especially mindful, in this regard, that the suggested opening hours (11.00-23.00 every day) correlate with the standard opening hours of public house premises.

18. To conclude on this issue, I am satisfied that, subject to conditions, use of the premises as a hot food takeaway would not result in any material harm to the living conditions of local residents in relation to cooking fumes/odours or noise and disturbance. I find no conflict therefore, with criteria b) and f) of policy S7.

Other Matters

19. Local residents raise concerns in relation to parking and highway safety. I have no reason to suppose that the existing car park is not commensurate with the size of the operation proposed. As such, there would be no need for customers to park on the highway. Although there are currently two accesses to the car park off the main road, the south-eastern access is not wide enough to accommodate two-way traffic, with the Highway Authority advising that the in-out arrangement proposed could cause confusion, with adverse implications for highway safety. However, those are matters that can be addressed by planning conditions were the appeal to succeed and I find no harm in this regard.

20. Concerns were also raised in relation to a number of other matters, including loss of the pub as a community facility. This was addressed in the officer's report, with the officer concluding that there would be no material harm. In the absence of any substantiated evidence to challenge that conclusion, I concur with the reasoning set out in that report. In relation to concerns in relation to locating a hot food takeaway close to a school, the closest I saw on my site visit was a primary school. It seems unlikely to me that primary age pupils would be allowed off the school premises during school hours. Whilst healthy eating and lifestyle policies are important for public health and are a material consideration, I am not persuaded that healthy eating by school pupils, or indeed anyone resident in the locality, is likely to be affected to such a degree in this instance that the appeal should fail in this regard.

Conclusion

21. For the reasons set out above, I conclude on balance that the appeal should

succeed. I recognise that the many local residents who objected to the proposal, including those who signed the petition at application stage, will be disappointed by the outcome and am mindful of the Government's 'localism' agenda. However, even under 'localism', the views of local residents, very important though they are, must be balanced against other considerations. In coming to my conclusions on the determinative issues, I have taken full and careful account of all the representations that have been made, which I have balanced against the provisions of the development plan and the National Planning Policy Framework. For the reasons set out above, the evidence in this case leads me to conclude that the appeal should be allowed.

22. The Council has suggested a number of conditions. In addition to the standard implementation condition, and otherwise than as set out in the decision and conditions, it is necessary that development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

23. In order to protect living conditions, the Council required the submission of details of the extraction equipment, and the air conditioning/cold room compressor units. Those details have already been provided on the application plans, and the appellant's noise report includes the results of noise survey work at the appeal site and details of noise emissions in relation to the plant and equipment proposed. I have, therefore, used a single condition, based on that suggested by the appellant, which requires that the extraction equipment and the air conditioning and cold room compressors are installed in accordance with the approved details and that they operate within maximum noise levels based on the survey results. A condition is also required to control opening hours.

24. In the interest of highway safety, it is necessary to ensure that the parking area is retained and is made available for customers, that the south-eastern access is closed off to vehicular traffic, and that the remaining north-western access is retained at sufficient width to allow oncoming vehicles to pass and is not gated within 6 metres of the carriageway edge.

25. The Council suggests that a condition be imposed requiring that servicing of the premises does not take place from the public highway. However, such a condition would be *ultra vires,* in that it seeks to prevent what might otherwise be lawful operations. The important thing is that there is sufficient room within the appeal site such that servicing is not required to take place from the street.

Jennifer A Vyse

INSPECTOR

Schedule of conditions attached to
Appeal Decision APP/W3710/W/14/3000770
The Punch Bowl, Tuttle Hill, Nuneaton

1) The development hereby permitted shall begin no later than the end of three years from the date of this decision.

2) Unless required otherwise by the conditions set out below, the development hereby permitted shall be carried out in accordance with the following approved plans: No 14018 Rev B (proposed plan); No 14018

Rev C (proposed elevations sheet 1); No 14018 Rev C (proposed elevations sheet 2); and No 14018 (proposed bin store).

3) The use hereby permitted shall not begin until the fume extraction system and the air conditioning and cold room compressors, have been installed in accordance with details shown on the approved plans and as set out in the Noise Assessment Report prepared by Cole Jarman (14/0555/R1a) dated 12 November 2014, and are fully operational. External noise emissions from fixed plant and machinery shall be attenuated such that at 1 metre from the façade of the nearest residences it does not exceed 36dB$L_{Aeq(5\ min)}$ between 09.00-23.00 hours and 33dB$L_{Aeq(5\ min)}$ between 23.00-09.00 hours. Once installed, the related odour control and noise attenuation measures shall be retained in perpetuity in accordance with the approved details.

4) The use hereby permitted shall not take place other than between the hours of 11.00 and 23.00 on any day.

5) Prior to commencement of the use hereby permitted, the south-eastern vehicular access to the site shall have been permanently closed off and the footway/highway verge reinstated in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.

6) Prior to commencement of the use hereby permitted, the fences and gates within the north-western vehicular access to the site shall have been removed or altered such that the access is no less than 5 metres in width for a distance of at least 20 metres from the near edge of the public highway carriageway. No gates shall be installed across the vehicular access so as to open within 6 metres of the public highway carriageway.

7) The existing parking and vehicular circulation area shall be permanently retained for that purpose and shall be available to customers at all times when the premises are open for business.

----------end of conditions----------

APPENDIX 3

APPEAL AND COSTS DECISION REF: 3175558

The Planning Inspectorate

Appeal Decision

Site visit made on 22 August, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th September, 2017

Appeal Ref: APP/J1535/W/17/3175558
1 Brook Parade, Chigwell, IG7 6PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Domino's Pizza UK & Ireland Plc against the decision of Epping Forest District Council.
- The application Ref: EPF/2931/16 dated 4 November, 2016 was refused by notice dated 1 February, 2017.
- The development proposed is change of use from Use Class A2 (Financial and Professional Services) to use for purposes within Use Class A5 (Hot Food Takeaway); replacement of compressors; erection of extraction duct and new shop entrance; and new fresh air intake grill.

Decision

1. The appeal is allowed and planning permission is granted for is change of use from Use Class A2 (Financial and Professional Services) to use for purposes within Use Class A5 (Hot Food Takeaway); replacement of compressors; erection of extraction duct and new shop entrance; and new fresh air intake grille at 1 Brook Parade, Chigwell, IG7 6PD in accordance with the terms of the application, Ref: EPF/2931/16 dated 4 November, 2017 subject to the conditions set out in the Schedule to this Decision.

Application for costs

2. An application for costs was made by Domino's Pizza against Epping Forest District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development given above is different from that on the original application but the change was agreed by the parties and I have therefore used the revised description.

4. The appellant has submitted revised plans which take account of mitigation measures recommended in the appellant's Noise Assessment report, also submitted as part of appeal information. I have considered whether the development would be so changed that any party would be prejudiced by being deprived of an opportunity to be consulted on these plans, and have concluded that they would not. I have therefore accepted these plans and taken them into account in reaching my decision.

5. The Council has drawn my attention to its Draft Local Plan for consultation, although as this is at a relatively early stage in its preparation, its policies may be subject to change. This therefore diminishes the weight I can attach to its policies, and I have therefore considered this appeal in the light of the policies contained within the Local Plan and Alterations 2006 (the LP).

Main Issue

6. Part of the single reason for refusal given was that the proposal would provide a service already provided for in the locality, and that therefore there is no overriding need for the development which would outweigh the harm it is likely to cause. However, these are commercial considerations, which are not rightly the subject of planning decisions, and no national or local policy requires an assessment of the need for a development to be demonstrated.

7. Accordingly, the main issue is solely the effect of the proposal on the living conditions of neighbouring occupiers with respect to noise and disturbance.

Reasons

8. Brook Parade is an early twentieth century shopping parade in the Chigwell Local Centre with a range of shops and other businesses at ground floor level and two storeys of residential accommodation above. It is set on a small access road to the front, which contains spaces for customer parking, and a service road, Brook Mews, to the rear with access to parking for residents and businesses, refuse storage and other functional uses. There are small residential balconies to the front elevation, and a number of properties have roof terraces for residents to the rear, including one on the upper floor of the appeal building. Most of the ground floor businesses have plant on the rear elevation. The parade is a busy one during the day, and is set on the busy High Road, close to the tube station.

9. The proposed change of use from a former bank to a hot food takeaway would include the installation of plant including an extract duct and air compressors. The submitted expert Noise Assessment report was compiled in line with standards set out in BS 4142:2014. It concludes that, subject to the mitigation measures included in the revised plans, the operation of this plant would not exceed acceptable noise levels. The revised plans show the air conditioning and compressor units moved into a basement area and the incorporation of silencers into the fans, following the recommended mitigation measures. On this basis, I can see no reason to doubt the findings and recommendations of the appellant's Noise Assessment, while the Council has submitted no technical evidence of its own which would cause me to do so.

10. While acknowledging these findings, the Council is clear that it does not agree with the report, due to the subjective nature of noise, by which I take it to mean the way in which it is experienced by receptors. Hours of operation by the proposed use are cited as taking place up to 01:00, which, it is contended would be an important factor in the impact on receptors, the neighbouring occupiers, and would constrain certain, although unspecified, activities.

11. However, it appears to me from the submitted evidence that the Council and the appellant had previously agreed that the hours of operation would extend only to 23:00 at night, and that the appellant is willing to accept a condition restricting opening hours to up to 23:00. The appellant has submitted

evidence demonstrating that these hours have been found acceptable elsewhere in the district in terms of their effects on neighbouring occupiers, and I can see no reason to disagree with this.

12. The Noise Assessment also concludes that the impact arising from delivery vehicles associated with the use would be negligible or minor. It has been made clear by the appellant that delivery vehicles would not include mopeds, and that they would operate from the front of the premises, with parking spaces to the rear reserved for staff. As also there would be likely to be free parking spaces to the front during the evenings, I can see no reason why delivery vehicles would cause disturbance to the rear of the block which would be the area most sensitive to disturbance for residents.

13. I conclude therefore that noise levels arising from plant associated with the proposed use would be attenuated, and that their effect on receptors in an area of ambient noise caused by existing plant, a busy shopping centre and a busy road would not be harmful. I conclude also that due to the operational arrangements and hours set out above harmful levels of noise and disturbance would not arise from delivery vehicles.

14. It appears to me from the evidence supplied that there would a reasonable expectation that the majority of meals would be delivered rather than picked up on site by customers. Consequently, and as no convincing evidence has been submitted to the contrary, I conclude that there would not be likely to be significant levels of customer activity on site, and that harmful levels of noise or disturbance would not therefore be likely to arise from that source.

15. As the proposal would not therefore be likely to cause harm to the living conditions of neighbouring occupiers, it would not conflict with policy DBE9 of the LP, which seeks development which does not result in an excessive loss of amenity for neighbouring properties, including in respect of noise, smell or other disturbance.

Other Matters

16. As I have set out at the beginning of this decision, issues relating to commercial considerations are not planning matters, and neither is the concern that the proposed use would be by a corporate chain, or the possible effects on dietary habits of local residents. Fear of crime is also cited as a concern, but no evidence has been put before me to persuade me that the presence of a pizza delivery business would lead to an increase in criminality in the area. As food would generally be taken to be consumed elsewhere, I conclude that there would not be likely to be a significant effect on levels of litter in the vicinity. The proposed extract duct would extend to a metre above the height of the roof, and would not be situated close to the roof terrace below, and I conclude therefore that it would not have a harmful effect in terms of smells.

Conditions

17. The Council has supplied a list of suggested planning conditions, on which the appellant has had an opportunity to comment, and I have taken these into account. A condition requiring implementation of the scheme in accordance with the approved plans, taking into account revisions, would be necessary in the interests of clarity.

18. The appellant has indicated that details relating to the equipment to supress and disperse cooking fumes and smells have been submitted as part of the application, and that rather than a pre-commencement condition, a condition ensuring compliance with the details provided should be applied. It appears to me that this would be reasonable and necessary, and that such a condition should be applied. It appears to me also that the external appearance of the extract duct has already been shown on the approved plans, and that it would not be reasonable or necessary to condition this aspect of the scheme. Furthermore, details of provision for foul drainage and grease separation are matters for the Building Regulations or Environmental Health rather than the planning system, and accordingly a condition relating to these would not be reasonable or necessary either.

19. A condition controlling hours of opening, taking account of the previously agreed closing time of 23:00, would be necessary in the interests of protecting the living conditions of neighbouring occupiers. A condition restricting the works of construction in relation to the change of use would also be necessary in the interests of protecting the living conditions of neighbouring occupiers.

Conclusion

20. For the reasons given above therefore, and taking into account all other matters raised, I conclude that the appeal should be allowed.

S J Buckingham

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

1) The development hereby permitted shall be carried out in accordance with the following approved plans: DB214-LP, DB214-BP revision B, DB214-EX-01 revision A, DB214-EX-02 revision A, DB214-EX-03 revision A, DB214-EX-04, DB214-GA-05 revision A, DB214-EL-06 revision A, DB214-EL-07 revision A, DB214-EL-08 revision A.

2) The development hereby permitted shall not be occupied until equipment to control the emission of fumes and smell from the premises shall have been constructed in accordance with details shown on the approved plans.

3) The premises shall only be open for customers between the following hours: 10.00 – 23.00 Mondays – Sundays inclusive.

4) Demolition or construction works shall take place only between 07.30 to 18.30 on Mondays to Fridays, 08.00 to 13.00 Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

The Planning Inspectorate

Costs Decision

Site visit made on 22 August, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th September, 2017

Costs application in relation to Appeal Ref: APP/J1535/W/17/3175558
1 Brook Parade, Chigwell, IG7 6PD

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Domino's Pizza UK & Ireland Plc for a partial award of costs against Epping Forest District Council.
- The appeal was against the refusal of planning permission for change of use from Use Class A2 (Financial and Professional Services) to use for purposes within Use Class A5 (Hot Food Takeaway); replacement of compressors; erection of extraction duct and new shop entrance; and new fresh air intake grille.

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The grounds put forward by the applicant in this case are substantive, and are that the Council unreasonably refused the planning application which should have been permitted having regard to its accordance with the development plan, national policy and any other material considerations, and that it failed to substantiate each reason for refusing the application, and made vague, generalised or inaccurate assertions about the proposal's impact, which were unsupported by objective analysis.

3. Specifically, the applicant refers to the reason for refusal given by the Council in its decision notice dated 1 February, 2017 which states that the proposal would provide a service already provided for in the locality, and that the specific use provided, a pizza delivery service, is already available in the locality, and that accordingly there would be no "over-riding need" for the development which would outweigh the harm it would be likely to cause by way of noise and disturbance.

4. The Council in its appeal statement has amplified its concerns in relation to the other dimension of its refusal, which is the effect of the change of use on the living conditions of occupiers neighbouring the site. It mentions that the Committee in reaching a decision considered other material considerations such as the mix of businesses, and found that there were no reasons to indicate that

planning permission should be granted as the proposal would provide a service already provided for in the locality.

5. The Local Plan and Amendments 2006 (the LP) contains policies relating to the retention of the vitality and viability of centres, and the loss of retail uses in local centres and key retail frontages. These are policies that might be considered to relate to the mix of businesses, but Council did not refer to any of these in its refusal or set out reasons why the development might be considered to conflict with them, although it would not entail the loss of a retail use.

6. In any case, it appears to me that the argument being made by the Council, particularly in the use of the term "overriding need" and reference to a service already provided for in the locality was a different one, which touched on commercial considerations. However, commercial competition is not a matter for the planning system, and, as will be seen from my Decision, it appears to me that this consideration was not a relevant one therefore.

7. No substantive information was provided by the Council in relation to this aspect of the refusal, while the applicant has drawn my attention to an absence of policies in the LP which require the applicant to demonstrate overriding need for town centre uses within an existing centre. There are no such policies either in the National Planning Policy Framework (the Framework); indeed Paragraph 23 of the Framework seeks to promote competitive town centres, which the glossary defines to include local centres.

8. It appears to me therefore that, although the Council concluded that the planning application should have been refused in relation to its effect on the living conditions of neighbouring occupiers, it unreasonably took into account irrelevant, commercial considerations, and failed to substantiate this aspect of its refusal of the application. It therefore made vague, generalised or inaccurate assertions about the proposal's impact, which were unsupported by objective analysis. By virtue of this I conclude that it has demonstrated unreasonable behaviour, and thereby caused the applicants to incur unnecessary or wasted expense in that part of the appeal process relating to the commercial aspects of the development.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Epping Forest District Council shall pay to Domino's Pizza UK & Ireland Plc, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in relation to the aspects of the refusal notice discussed above; such costs to be assessed in the Senior Courts Costs Office if not agreed.

10. The applicant is now invited to submit to Epping Forest District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

S J Buckingham

INSPECTOR

APPENDIX 4

MARKETING DETAILS

SidneyPhillips
.co.uk

Shepherds Meadow
Easton Bishop
Hereford
HR2 9UA

Hotel & Licensed Property Agents
rcockayne@sidneyphillips.co.uk
www.sidneyphillips.co.uk

PRIVATE & CONFIDENTIAL

Zaan Limited
28 London Road
Rainham
Kent
ME8 6YX

RCO180803032020

18 August 2020

Dear Sirs

Re: George & Dragon, London Road, Swanscombe, Kent, DA10 0LQ

I write with regards to the above property, to provide you with a written update as to current proceedings, further to our correspondence of 3 March 2020.

Sidney Phillips were instructed on 14 August 2019 to market the Freehold interest of the property to the open market at an asking price of £550,000 plus VAT. In July 2018 Sidney Phillips sold a neighbouring public house, The Alma, for a figure in excess of £270,000 plus VAT. Given the poor condition of the property and the fact that it is close to half of the size of the George & Dragon, as experts in licenced property sales and valuations, with specialist knowledge of the region and area, we recommended the asking price of £550,000 giving due regard to the size of the property and the more favourable position along London Road. Logic dictates that £550,000 plus VAT is therefore a reasonable price.

At the time of instruction the property was vacant and the business closed.

Since the date of instruction, Sidney Phillips have undergone a full marketing campaign, in order to fully expose the opportunity to the local and national market, which to date included:

- Entrance onto Sidney Phillips website:
    - Retuned in 5,547 searches on our website
    - Details viewed 477 times on our website
    - PDF particulars downloaded 8 times

- Regular E-marketing campaigns sent out to 1,537 registered buyers on our database.

- Sales details sent by post and email following direct enquiries.

- ‘For Sale’ board erected from the date of instruction.

- Entrance onto Daltons website from date of instruction (398 web views, 21 enquiries).

- Entrance onto Businessforsale.com website from date of instruction (2,021 web views, 13 enquiries).

- Entrance onto Zoopla.co.uk website from date of instruction until March 2020 (591 result views, 28 web views).

- Entrance onto RightBiz.co.uk website from date of instruction (23,592 impressions, 427 web views, 13 enquiries).

- Entrance onto RightMove.co.uk website from date of instruction (1,056 web views in last 120 days).

- Entrance onto Morning Advertiser website from date of instruction (statistics unavailable).

- Advertising in industry specific publications:
    - Morning Advertiser - 4th September 2019

- Regular social media advertising via Twitter and Facebook.

From this marketing campaign, no viewings have been undertaken. It should be noted that there has been very little interest from applicants in purchasing the property for continued public house use, favouring alternative uses such as C3, C4, C2A, A1, A5 or a combination of these classes.

One offer has been received at £450,000 which was rejected on the account of it being considerably below the asking price. This offer was received from a Manchester based architect on behalf of an unknown client who had not viewed the property. This sum was offered based on the exiting property being demolished and a new purpose-built restaurant being erected to replace it.

We understand that an application was submitted for Change of Use in November 2019. Regardless of this, we have continued to market the property for sale for continued A4 usage without cessation.

I trust the contents of this letter are sufficient for your purposes but please do not hesitate to contact me if you require any additional information.

Yours sincerely
SIDNEY PHILLIPS

Robert Cockayne LLB AssocRICS FAVLP
Regional Valuations Manager - London & South East

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

pegasusgroup.co.uk

First Floor, South Wing,
Equinox North,Great Park Road,
Almondsbury, Bristol, BS32 4QL

E Bristol@pegasusgroup.co.uk
T 01454 625 945

COPYRIGHT The contents of this document must not be copied or reproduced in whole or in part without the written consent of Pegasus Group. Crown copyright. All rights reserved, Licence number 100042093

DARTFORD BOROUGH COUNCIL

Please ask for: Mrs Sonia Bunn

[redacted]

Consultation
C/o Ebbsfleet Development Corporation
The Observatory
Castle Hill Drive
Castle Hill
Ebbsfleet Valley
Kent
DA10 1EE

Your Ref: **EDC/19/0203**
Our Ref: DA/19/01707/EDCCON
Date: 14th January 2020

Dear Sir,

Town and Country Planning Act 1990
Consultation on an application for change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use) within Ebbsfleet Development Corporation
The George And Dragon London Road Swanscombe Kent

I refer to the above application which has now been considered by the Borough Council and wish to thank you for the opportunity to comment thereon.

The Council considers that the principle of the proposed change of use should be considered against Policies DP19 and DP21 of the adopted Local Plan.

The Development Policies Plan (DPP) advises in the glossary that pubs may fall within the definition of Community Facility covered by DP21. Paragraph 14.5 advises that public houses well-established within the locality are included within this definition where this is a reasonable possibility of the building being re-used to provide community services. The Council considers that the George and Dragon PH has been well-established in the community for some time, providing a meeting place for locals and a focus for the community. This is significantly different from the Alma PH which the applicant refers to. Consideration of the application to convert the Alma PH (18/01002/OUT) concluded that this did not provide a community facility.

DP12:2 advises that the loss of community facilities will only be permitted where they are no longer needed by the local community and the facility or land has no reasonable prospect of being viably reused to provide the same or other type of community use. The application property was marketed for a relatively short time before being sold and the Borough Council do not consider that it has been sufficiently demonstrated that there is no prospect of the property being used for another type of community use or indeed a public house. The property has not yet been marketed for 6 months and the glossary to the DPP advises that 6 months of marketing is only acceptable where there is a vacancy level in the relevant centre of more than 10%, indicating that a longer period would be appropriate in other circumstances.

Given the location of the building close to a major growth area and on a strategic east-west route the Council consider that there is a reasonable possibility of the building being re-used as an A4 use or similar community service to serve the local area.

Policy DP19 of the adopted Local Plan sets out criteria for proposed A5 uses to be considered against. As the planning authority for development management the Council considers it is for the EDC to consider the detail of the proposal against the amenity criteria in Policy DP19 and Policy DP5. However, as a strategic east-west route through the Borough, which is designated as an Air Quality Management Area the Council has concerns about the traffic likely to be generated by the use, and the fact that people may park indiscriminately due to the short visits likely to result from this use. Such parking on the highway could impact on the free flow of traffic in this area and highway safety around the junction with the High Street and would request that the EDC satisfy themselves with regard to the potential highway impacts of the proposal.

The applicant's Design and Access statement refers to rear servicing and access at the property but the Borough Council notes that this is reached via private land which does not fall within the red line planning application boundary. As such there is no guarantee that the application site can be accessed by vehicles. In addition no plan has been submitted showing the parking and layout and the Borough Council has doubts that the 10 spaces, referred to, can be provided in this area, which would meet the Council's SPD sizes and manoeuvrability requirements. The Council consider therefore that it is unlikely that acceptable on-site parking can be provided to serve the proposal.

Policy DP19:2 advises that takeaways will normally only be permitted within designated centres. The site falls outside of the designated district centre of Swanscombe and given its location on a main strategic road is likely to generate trips from a wider area than simply the district centre catchment. The Borough Council has concerns that this may result in increased private car use contrary to the objectives of the adopted Local Plan.

No information has been submitted with regard to odour and noise in relation to the proposed use, but the Council's Environmental Health Officers consider that an appropriate solution could be found to mitigate this. They have requested the imposition of conditions requiring this detail should planning permission be granted. The Council also has some concerns that given the location of this property on a prominent ridge, any plant or flues could be prominent on long-distance views as well the impacts from external lighting.

The Borough Council therefore **object** to the proposed change of use as it is contrary to Policies DP19 and DP21 and could result in harm to the character, amenity and highway safety in the surrounding area.

If the Ebbsfleet Development Corporation are minded to approve planning permission the Borough Council would request that conditions are imposed seeking the following details:

- a scheme in writing to the Local Planning Authority for approval in relation to odour and noise control.

Full details of proposed odour control should include:

a) The position of the flue in relation to neighbouring properties and window openings.
b) Details of proposed routine cleaning and maintenance of the system, and the service requirements of the installed odour control system, including details of system access panels and confirmation that they will be grease tight.

c) Details of the type of food to be cooked, the cooking time per day; and the type of cooking appliances used.
d) The manufacturer's specification/data sheets for any odour control elements of the system.

Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises. The extraction and treatment equipment shall be maintained and operated in compliance with the approved scheme. After installation of the approved plant no new plant or ducting system shall be used without the written consent of the local planning authority.
The applicant should be directed to guidance document: Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs.

- a full air quality impact assessment of the proposal which shall include the impacts arising as a result of the proposed development, and potential measures to reduce such impacts.

- full details of any plant (including extraction, ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission which shall be subject to a noise and vibration assessment, the results of which shall be submitted to and approved in writing by the Local Planning Authority.

- Due to the proximity of residential properties surrounding the proposed site the site working hours should be controlled to protect residential amenity. During the enabling, demolition and construction phase, the hours of working, including deliveries and collections to and from site, shall be restricted to:
  Monday to Friday 08:00 - 18:00
  Saturday 08:00 - 13:00
  No work on Sundays or Public Holidays.

- Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation, a schedule of equipment in the design (luminaire type; mounting height; aiming angles, luminaire profiles and a Lighting Contour map) and proposed hours of operation. The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

The applicant is also requested to contact Environmental Health, Food Safety Team at the initial design stage, with respect to advice on compliance with food safety legislation and advice regarding a food registration

Yours faithfully

[redacted]

HEAD OF REGENERATION

DARTFORD BOROUGH COUNCIL

Please ask for: Mrs Sonia Bunn

[redacted]

Consultation
C/o Ebbsfleet Development Corporation
The Observatory
Castle Hill Drive, Castle Hill
Ebbsfleet Valley
Kent
DA10 1EE

Your Ref: **EDC/19/0203**
Our Ref: DA/20/00546/EDCCON
Date: 8th June 2020

Dear Sir,

Town and Country Planning Act 1990
Consultation on change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct within Ebbsfleet Development Corporation
The George And Dragon London Road Swanscombe Kent

I refer to the above application which has now been considered by the Borough Council and wish to thank you for the opportunity to comment thereon.

The Council considers that the principle of the proposed change of use should be considered against Policies DP19 and DP21 of the adopted Local Plan.

The Development Policies Plan (DPP) advises in the glossary that pubs may fall within the definition of Community Facility covered by DP21. Paragraph 14.5 advises that public houses well-established within the locality are included within this definition where there is a reasonable possibility of the building being re-used to provide community services. The Council considers that the George and Dragon PH has been well-established in the community for some time, providing a meeting place for locals and a focus for the community. This is significantly different from the Alma PH which the applicant refers to. Consideration of the application to convert the Alma PH (18/01002/OUT) concluded that this did not provide a community facility.

DP12:2 advises that the loss of community facilities will only be permitted where they are no longer needed by the local community and the facility or land has no reasonable prospect of being viably reused to provide the same or other type of community use. The application property was marketed for a relatively short time before being sold. The application has been revalidated following the submission of further information. This information includes a further letter regarding marketing of the property which advises that the property has continued to be marketed following the submission of the application in November. However, the applicant appears to own the property already, based on Certificate A and so the Council has some doubts about the purpose of this marketing and there is no information on any interest that was received in response to this marketing and how this was treated. The Borough Council have doubts whether such marketing is sufficient to conclude that there is no prospect of the property being used for another type of community use or indeed a public house.

Given the location of the building close to a major growth area and on a strategic east-west route the Council consider that there is a reasonable possibility of the building being re-used as an A4 use or similar community facility to serve the local area.

Policy DP19 of the adopted Local Plan sets out criteria for proposed A5 uses to be considered against. As the planning authority for development management the Council considers it is for the EDC to consider the detail of the proposal against the amenity criteria in Policy DP19 and Policy DP5. However, as a strategic east-west route through the Borough, which is designated as an Air Quality Management Area the Council has concerns about the traffic likely to be generated by the use, and the fact that people may park indiscriminately due to the short visits likely to result from this use. Such parking on the highway could impact on the free flow of traffic in this area and highway safety around the junction with the High Street and the Council would request that the EDC satisfy themselves with regard to the potential highway impacts of the proposal.

The applicant's Design and Access statement refers to rear servicing and access at the property but the Borough Council notes that this is reached via private land which does not fall within the red line planning application boundary. The Council would request that the EDC satisfy themselves that there are adequate rights of way for the proposed use.

Policy DP19:2 advises that takeaways will normally only be permitted within designated centres. The site falls outside of the designated district centre of Swanscombe and given its location on a main strategic road is likely to generate trips from a wider area than simply the district centre catchment. The Borough Council has concerns that this may result in increased private car use contrary to the objectives of the adopted Local Plan.

No information has been submitted with regard to odour and noise in relation to the proposed use, but the Council's Environmental Health Officers consider that an appropriate solution could be found to mitigate this. They have requested the imposition of conditions requiring this detail should planning permission be granted. The Council also has some concerns that given the location of this property on a prominent ridge, any plant or flues could be prominent on long-distance views as well the impacts from external lighting and consider that such matters should be assessed in detail.

The Borough Council therefore object to the proposed change of use as it is contrary to Policies DP19 and 21 and could result in harm to the character, amenity and highway safety in the surrounding area.

If the Ebbsfleet Development Corporation are minded to approve planning permission the Borough Council would request that conditions are imposed seeking the following details:

- A scheme in writing to the Local Planning Authority for approval in relation to odour and noise control.

Full details of proposed odour control should include:

a) The position of the flue in relation to neighbouring properties and window openings.
b) Details of proposed routine cleaning and maintenance of the system, and the service requirements of the installed odour control system, including details of system access panels and confirmation that they will be grease tight.
c) Details of the type of food to be cooked, the cooking time per day; and the type of cooking appliances used.
d) The manufacturer's specification/data sheets for any odour control elements of the system.

Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises. The extraction and treatment equipment shall be maintained and operated in compliance with the approved scheme. After installation of the approved plant no new plant or ducting system shall be used without the written consent of the local planning authority.

The applicant should be directed to guidance document: Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs.

- a full air quality impact assessment of the proposal which shall include the impacts arising as a result of the proposed development, and potential measures to reduce such impacts.

- full details of any plant (including extraction, ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission which shall be subject to a noise and vibration assessment, the results of which shall be submitted to and approved in writing by the Local Planning Authority.

- Due to the proximity of residential properties surrounding the proposed site the site working hours should be controlled to protect residential amenity. During the enabling, demolition and construction phase, the hours of working, including deliveries and collections to and from site, shall be restricted to:
  Monday to Friday 08:00 - 18:00
  Saturday 08:00 - 13:00
  No work on Sundays or Public Holidays.

- Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation, a schedule of equipment in the design (luminaire type; mounting height; aiming angles, luminaire profiles and a Lighting Contour map) and proposed hours of operation. The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

The applicant is also requested to contact Environmental Health, Food Safety Team at the initial design stage, with respect to advice on compliance with food safety legislation and advice regarding a food registration

Yours faithfully

[redacted]

HEAD OF REGENERATION

THE GEORGE AND DRAGON

PUBLIC HOUSE

Design and Access Statement

November 2019

Cook Associates Architects I Engineers

Cook Associates
Capital House
3 Jubilee Way
Faversham
Kent
ME13 8GD

T: +44 (0) 1795 532834
E: mail@cook-design.com

W: www.cook-design.com

This Design and Access Statement has been prepared by Cook Associates in accordance with the instructions of their client, for their sole and specific use.
Any other persons who use any information contained herein do so at their own risk.

© Cook Associates 2019

Contents Amendment Record

This report has been issued and amended as follows

Issue	Revision	Description	Date	Written by	Checked by
1	0	Draft Issue	26.11.19	SIB	
2	0	Issued to Planners	27.11.19	SIB	

Project Details and Location

Pre-Application Details

Site Address

The George and Dragon Public House
London Road
Swanscombe
Kent
DA10 0LQ

Applicant

Mr A Mumtaz
Zaan Ltd
28 London Road
Rainham
Kent
ME8 6YX

Summary

Introduction

Cooks Associates have been appointed by Zaan Ltd to make a planning application to Dartford Borough Council for the Change of Use of the existing ground floor and basement of The George and Dragon Public House, Swanscombe, from A4 (Public House) to A5 Pizza Delivery and Takeaway only. (Restricted A5 Use)

The previous owners of the George and Dragon have sold the property as it was no longer viable to continue to run as a Public House. This follows both a local and national trend of small independent pubs closing due to rising associated costs and the continuing decline in trade.

The property has been on the market for its current lawful use as an A4 public house but with no serious interest from potential purchasers. An independent marketing report is submitted with this application which concludes that other alternatives uses for the premises should now be explored.

The applicant has acquired the property with the view to change the use to A5 pizza take away.

This will continue to ensure that the property remains in commercial use and retains a local facility in the area.

Other recent applications for the change of use of existing Public houses have been granted including for the demolition of the Alma Public House at 26 High Street, and its replacement with a House of multiple occupation under Application Reference: 19/00420/REM.

The Site

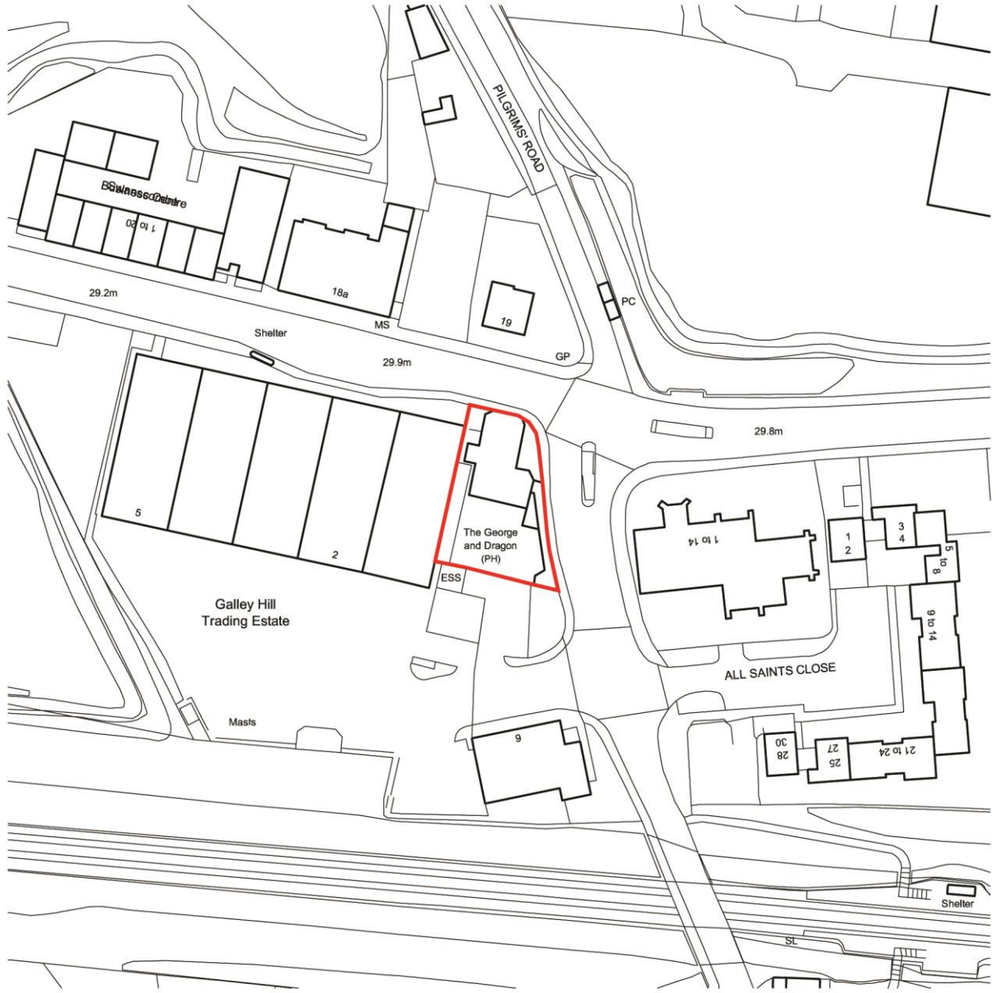
The George and Dragon is a former Victorian coaching Inn located on the corner of London Road and the High Street and located opposite All Saints Church which has since been converted to residential flats.

The neighbouring uses consist of commercial operations to the west and south and mainly commercial with some residential apartments on the northern side of London Road.

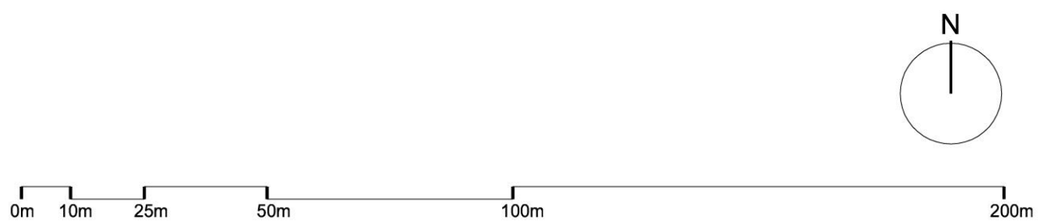
To the east of the site and on the opposite side of the High street is the Grade II* All Saints Church, now converted to residential flats and All Saints Close.

Planning consent has previously been granted to extend the ground floor of the public house by way of a substantial rear storey extension. This has not yet been implemented.

Further to the south of the application site is the Alma Public House at 26 High Street which was recently granted approval for its demolition and replacement with a 3 storey building as a 13 bedroom House in Multiple Occupation. Application Reference: 19/00420/REM.



Site Location Plan 1:1250



The Proposal

This application seeks the change of use of the existing ground floor and basement of The George and Dragon Public House, Swanscombe, from A4 (Public House) to A5 Pizza Delivery and Takeaway only (Restricted A5 Use)

This proposed restricted A5 use to allow the premises to be used for Pizza Delivery and Takeaway only, follows a recommendation by the Planning Officer in the initial pre-application advise.

This will ensure tighter control over the change use from the potential full range of unrestricted A5 uses. As the applicant intends only to use the premises for pizza delivery and takeaway this suggested restriction is acceptable and can be implemented through a planning condition.

The application site is occupied by the now closed Alma Public House. The existing owners has been forced to sell the property as it was no longer sustainable as a pub. The licence has been surrendered and the building can no longer function as a public house.

The property has been on the market with Sidney Phillips (who acted for the Alma Public House) but there has been no serious interest from any potential buyer to retain the property in its current use.

A marketing statement is submitted with this application which concludes “the George and Dragon is no longer viable as a public house business, and better suited to alternative use”.

As stated above it is considered that the public house use of the site cannot continue or be resurrected. Therefore planning policy states that consideration should be given as to whether the site could be put to another alternative community use.

Marketing Report

Policy DP21 does not state a minimum time requirement for marketing. The pre-ample in paragraphs 14.8 to 14.10 of the Dartford Development Policies Plan 2017 provides background to the policy. Paragraph 14.10 refers to the Glossary for requirements of effective marketing, which defines this as ‘continuous proactive marketing for an ‘appropriate’ period using a professional Agent and an appropriate range of online, on site and other advertising media’.

In the initial pre-application advice received, the planning officer stated “this definition also doesn’t give a minimum time, only stating a period of up to 12 months, but does require use of a professional agent and a range of media”.

The George and Dragon has been marketed with Sidney Phillips, a professional agent, who also acted for The Alma Public House. The application site has been marketed for a similar period of time and Sidney Phillips came to the same conclusion as the Alma site that the premises is no longer viable to continue as a public house.

The decline in business which has ultimately led to its closure has been due to a number of contributing factors including rising costs; demographic shift towards eating and drinking at home for less money; public health concerns; smoking ban; recession and unemployment and more specifically the rising competition in a small community. Such factors have affected the industry as a whole, and those licensed premises which cannot adapt and compete such as the George & Dragon, are unsustainable in their current forms. The viability of the property to reopen in the A4 class usage is severely limited, not only as a result of the economic climate and consumers choosing to drink at home, but also due to the close proximity of other establishments in the local community the George & Dragon is no longer viable as a public house business, and better suited to alternative use.

Planning Policy

The key planning policy with respect to the proposed change of use to A5 is DBC Policy DP21 which states:
Policy DP21: Securing Community Facilities:

1. New community facilities will be permitted where they are in an appropriate location and of a type and scale to reflect the needs of the communities they will serve. Strategic scale developments should normally provide social and community facilities; with land secured until a facility is in operation as set out in clause 3 below.

2. Development of existing community facilities/ land (as defined in the glossary) for non-community purposes will not be permitted unless there is clear evidence that:

a) the facility is shown to be not needed by the community (both current and future planned users), and

b) all reasonable efforts have been made to preserve a community use, including exploration of appropriate solutions to retain the facility with operators/ service providers and where appropriate the local community. Consideration should include any potential future demand arising from new development located within the catchment area of the facility/ use.

3. Specific land that has been earmarked for community facilities through planning obligations, other formal agreements, approved planning consents or identified in Local Plan/ SPDs or other statutory documents will be safeguarded until a community facility is delivered or agreement is reached that land for a community use will not be required.

The existing A4 Use as a public house falls within the definition of a community asset. The proposed change of use to A5 is considered to be in accordance with Policy DP21 seeking to put the public house to an alternative community use. According to the NPPF, other community assets include local shops and it is considered that an A5 takeaway that can be accessed by member of the public can function as a meeting place in the same way as other local services. The case was made for the cessation of the Alma Public house that other surrounding community uses included A5 establishments such as Swanscombe Fish Bar and several Kebab takeaways meet this function.

There are also a number of existing pubs in the local area including The Wheatsheaf, the Sun, the Rising Sun and the pub at the pavilion being close the application site and so there is still sufficient A4 uses in the area to serve of the local community.

The existing premises is considered a suitable location for a Hot food takaway. It use will retain the existing building.

DBC Policy DP19: Food and Drink Establishments states:

Development involving the establishment of any food and drink (A3/ A4/ A5) uses in the Borough will only be permitted where it is demonstrated that criteria (a) to (c) below will be met, including with regard to evidence of potential cumulative impacts:

a) There will be no material detrimental effects on the residential amenity of neighbours;

b) There will be no material detrimental effects on the local environmental quality as a result of noise, vibration and smells;

c) Access, servicing and parking arrangements for the proposal do not result in an adverse material impact on the safety and traffic flows or cause unacceptable increases to traffic and parking.

2. The Local Planning Authority will seek to prevent the inappropriate location or clustering of takeaway premises. Takeaways (Class A5) will normally be permitted only within the development plan's network of designated centres; and permission will not normally be permitted for an A5 unit adjacent to an existing or permitted A5 unit (other than at Bluewater).

The existing property does not immediately adjoin any residential property being that it is located next to commercial premises. All Saints Church which has been converted to residential units is located on the other side of the High Street which is a busy main road and so it is not considered that any noise and odours occurring from the proposed change of use would have a material impact on the local environment. The proposed change of use for a Pizza Takeaway will involve new extract vents and flue etc which limit noise and smells and will be a betterment to that used in the existing pub kitchens. As a result there will be a net improvement over the current situation.

The premises currently benefits from a rear parking area access from the High Street. This will be retained as part of any change of use and so the access, parking and servicing arrangements for a A5 use will not change from the current situation.

The property is not located in close proximity to other nearby takeaway premises. Being located on the High Street the site is considered an appropriate location for such use being within a designated centre.
It is considered that the proposal would fully comply with DBC Policy DP19 and 21.

Parking and Highways

As shown on the site plan there is an existing vehicle access to a service and parking area at the rear of the site. There is sufficient space to accommodate approximately 10 car parking spaces in this rear area.

However when the previous owners ran the public house this rear area was not available to customers and so the property operated in A4 use with no available customer parking spaces.

Dartford Development Policies Plan Policy DP4 requires proposals to be in compliance with the Dartford Parking Standards SPD, and for parking provision to be relevant to the development. For both the current A4 use and propose A5 Use, the Dartford Parking Standards SPD requires 1 car parking space per 2 staff, and 1 car parking space per 10sqm of floor space for customers. Therefore parking demand can easily be compared between the existing and proposed uses.

The George and Dragon's existing customer floor space on the ground floor including bar area and WC is circa 120sqm. Therefore the existing customer parking requirement under the SPD would be 12 spaces plus 1 or 2 further spaces for staff. As above no customer parking was available and so the previous A5 use generated a degree of on road parking demand.

In addition approval was granted for a single storey rear extension to the existing premises under application DA/16/01319/EDCCON in August 2016. The accompanying copy of the approved ground floor plan shows that this approval substantially increased the extent of usable customer area whilst at the same time reducing the number of existing onsite parking spaces to 4.

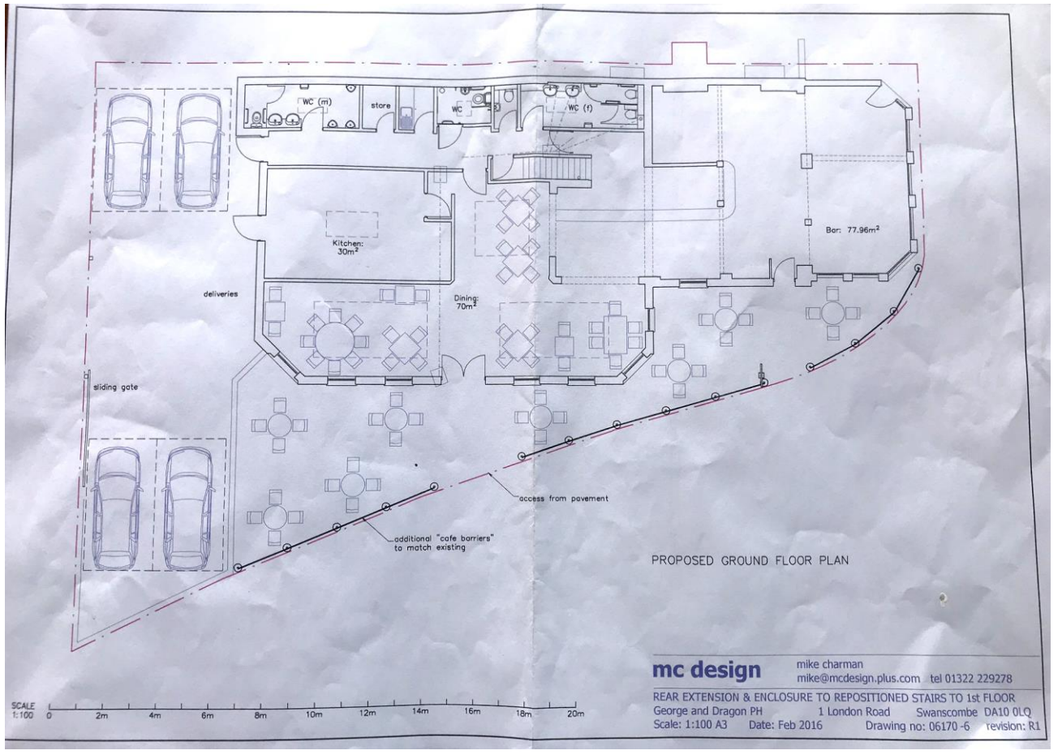
This demonstrates that the Local Authority has previosuly taken a flexible approach to the parking provision requirements in relation to the SPD on this site.

The proposed change use of the premises to A5 Hot food takeaway, by its very definition, will result in a small amount of customer floor space as customers will eat the food off the premises. This proposal is unlike the existing A4 use or other potential uses such as A3 Restaurants, where customers eat on the premises thereby resulting in a larger customer area.

As a result the proposal will generate a significant reduction in the number of customer car parking demand from the current A5 use. The proposed A5 use will have a small customer waiting area to the front of the premises where customers can order and collect their food. This customer waiting area will be circa 20-30sqm resulting in a possible parking demand of 3 customers in line with the Parking SPD. With a further staff parking provision of 2-3 spaces there already exists adequate onsite parking provision available at the rear of the site.

As the existing premises already has an access that can be used for customer parking the proposal will not have an impact on Highway Safety and result in a significant reduction in parking demand from the current proposal.

Customers arriving in cars to pick up deliveries can use the onsite parking area at the rear of the site thereby avoiding the need to park on the highway.


WC (m)
store
WC
WC (f)
Kitchen: 30m²
Bar: 77.96m²
deliveries
Dining: 70m²
sliding gate
access from pavement
additional "cafe barriers" to match existing
PROPOSED GROUND FLOOR PLAN
mc design
mike charman
mike@mcdesign.plus.com tel 01322 229278
REAR EXTENSION & ENCLOSURE TO REPOSITIONED STAIRS TO 1st FLOOR
George and Dragon PH 1 London Road Swanscombe DA10 0LQ
Scale: 1:100 A3 Date: Feb 2016 Drawing no: 06170 -6 revision: R1
SCALE 1:100
0 2m 4m 6m 8m 10m 12m 14m 16m 18m 20m

Previously approved extension to ground floor under application DA/16/01319/EDCCON

Residential Amenity, Noise and Disturbance

Dartford Development Policies Plan Policy DP5 requires proposals to be acceptable with regard to impact on neighbours and the environment, and Policy DP19 to avoid adverse impacts to residential amenity, and the local environment through noise, vibration and smells.

The site adjoins an existing large commercial premises to west and south. It is not considered that the proposal will have and adverse impact on this adjoining use.

There is an existing residential property to the north however this is on the opposite side of the A226 and so is not immediately adjoining the premises. Likewise to the east the All Saints church which has been converted to flats and All Saints close is separated from the site by the high street.

The pre-app response received suggested that the proposed change of use would result in more evening and night-time disturbance from customer noise and anti-social behaviour than the existing pub use. This is a subjective opinion. The applicant would adhere to the same controls over customer behaviour as the previous pub owners.

It was also suggested in the pre-application advice that noise and odour from the extraction and ventilation system could potentially impact on neighbouring uses.

The applicant will install a new ventilation and extract system as required to operate as a pizza takeaway. This will be a betterment to the existing extract systems previously in operation to the kitchens of the public house.

Such modern ventilation systems significantly reduce noise and odours and a planning condition can be imposed requesting approval of the system to be installed.

Pizza Takeaways operate all over the country, often in town centres where there is residential accommodation above. Such development operates using adequate ventilation systems that prevent noise and disturbance to occupants of these flats. In the case of this application the nearest adjoining residents are located away from the premises on the other side of a main road. There will be no material impact on the neighbouring residents from this proposal from noise and odour.

Flood map for planning

Your reference	Location (easting/northing)	Created
DA10 1LQ	**560521/174893**	**26 Nov 2019 15:48**

Your selected location is in flood zone 1, an area with a low probability of flooding.

This means:

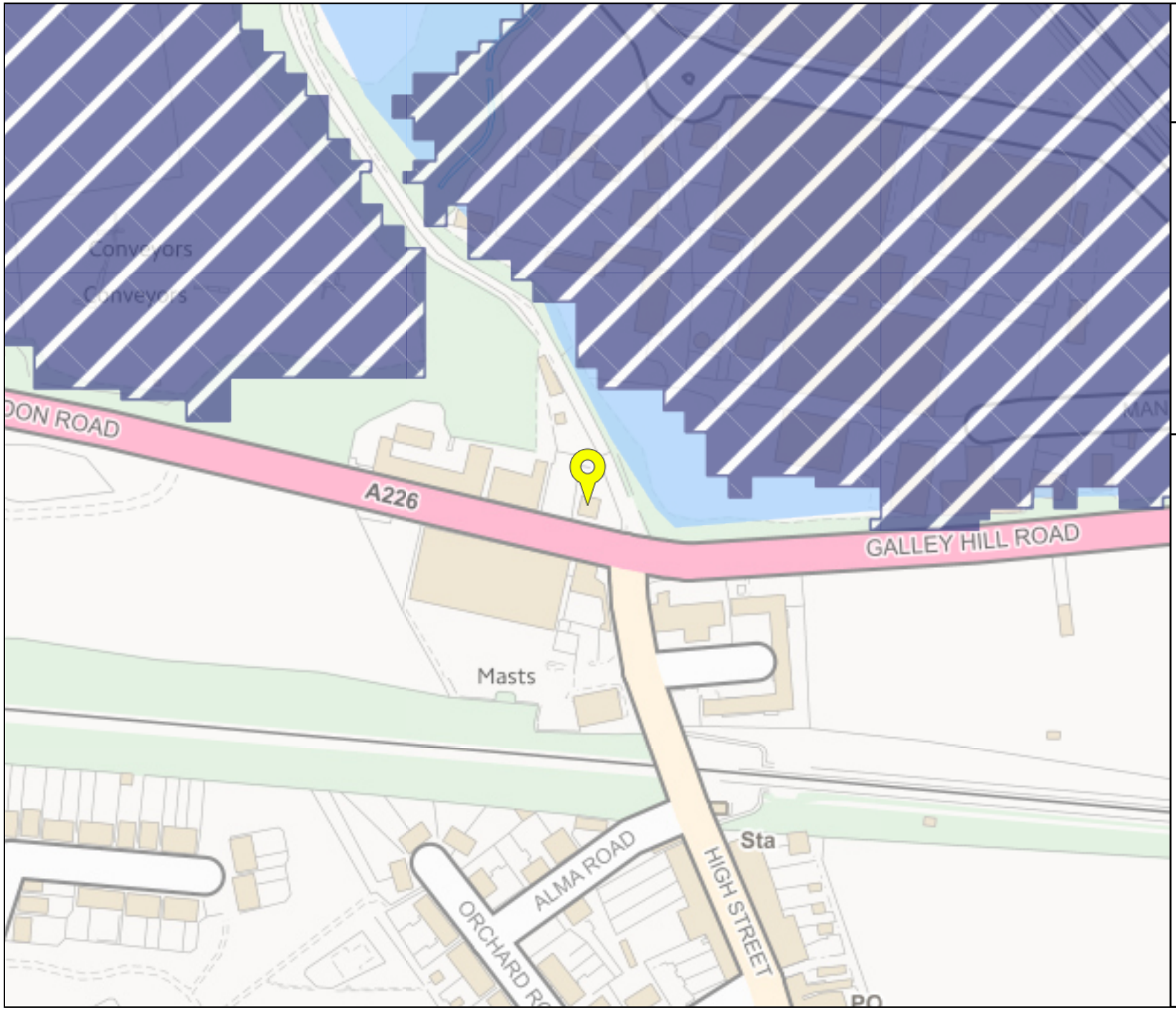
- you don't need to do a flood risk assessment if your development is smaller than 1 hectare and not affected by other sources of flooding
- you may need to do a flood risk assessment if your development is larger than 1 hectare or affected by other sources of flooding or in an area with critical drainage problems

Notes

The flood map for planning shows river and sea flooding data only. It doesn't include other sources of flooding. It is for use in development planning and flood risk assessments.

This information relates to the selected location and is not specific to any property within it. The map is updated regularly and is correct at the time of printing.

The Open Government Licence sets out the terms and conditions for using government data.
https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/



Environment Agency

Flood map for planning

Your reference
DA10 1LQ

Location (easting/northing)
560521/174893

Scale
1:2500

Created
26 Nov 2019 15:48

- Selected point
- Flood zone 3
- Flood zone 3: areas benefitting from flood defences
- Flood zone 2
- Flood zone 1
- Flood defence
- Main river
- Flood storage area

0 20 40 60m

© Environment Agency copyright and / or database rights 2018. All rights reserved. © Crown Copyright and database right 2018. Ordnance Survey licence number 100024198.

Highways and Transportation
Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD
Tel: 03000 418181
Date: 23 December 2019

Ebbsfleet Development Corporation
The Observatory
Castle Hill Drive
Cstle Hill
Ebbsfleet
Kent
DA10 1EE

Application - **EDC/19/0203**
Location - **The George and Dragon, London Road, Swanscombe, Kent, DA10 0LQ**
Proposal - **Change of use of the existing ground floor and basement from A4 (Public House) to pizza delivery and takeaway (restricted A5 use).**

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Lisa Daniels
Development Planner

Highways and Transportation
Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD
Tel: 03000 418181
Date: 6 January 2020

Ebbsfleet Development Corporation
The Observatory
Castle Hill Drive
Cstle Hill
Ebbsfleet
Kent
DA10 1EE

Application - EDC/19/0203
Location - The George and Dragon, London Road, Swanscombe, Kent, DA10 0LQ
Proposal - Change of use of the existing ground floor and basement from A4 (Public House) to pizza delivery and takeaway (restricted A5 use).

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:

This application is a non-protocol application, and KCC Highways and Transportation would not normally comment on change of use applications. I would suggest the applicant liaises with KCC Highways and Transportation and Dartford Borough Council to investigate the implementation of Double Yellow Lines within the vicinity of the site. Any changes to the Traffic Regulation Order would be subject to consultation and at a cost to the applicant.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called ‘highway land’. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have ‘highway rights’ over the topsoil. Information about how to clarify the highway boundary can be found at https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Lisa Daniels
Development Planner

Highways and Transportation
Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD
Tel: 03000 418181
Date: 13 May 2020

Ebbsfleet Development Corporation
The Observatory
Castle Hill Drive
Cstle Hill
Ebbsfleet
Kent
DA10 1EE

Application - EDC/19/0203
Location - The George and Dragon, London Road, Swanscombe, Kent, DA10 0LQ
Proposal - Change of use of the existing ground floor and basement from A4 (Public House) to pizza delivery and takeaway (restricted A5 use).

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:

This application is a non-protocol application, and KCC Highways and Transportation would not normally comment on change of use applications. I would suggest the applicant liaises with KCC Highways and Transportation and Dartford Borough Council to investigate the implementation of Double Yellow Lines within the vicinity of the site. Any changes to the Traffic Regulation Order would be subject to consultation and at a cost to the applicant.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called ‘highway land’. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have ‘highway rights’ over the topsoil. Information about how to clarify the highway boundary can be found at https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Lisa Daniels
Development Planner

Kent Police

Protecting and **serving** the people of Kent

Michael Fishpool
Ebbsfleet Development Corporation
The Observatory
Castle Hill Drive
Castle Hill
Ebbsfleet
Kent
DA10 1EE

[redacted]

Date: 27th May 2020
Ref: EDC/19/0203/AF1

Dear Michael Fishpool,

Thank you for your letter dated 6th May 2020 in relation to:

Application Ref:	EDC/19/0203
Location:	The George And Dragon, London Road, Swanscombe, Kent, DA10 0LQ
Proposal:	Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.

Having reviewed the on line documents, we recommend the use of Secured By Design (SBD) security standards for any replacement doorsets and windows and other security items, as detailed in the SBD Commercial 2015 guide.

You may receive additional comments from our Licensing Team.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

Yours sincerely

[redacted]

Adrian Fromm
Designing Out Crime Officer
Public Protection and Partnerships Command
PVP Central Co-ordination Department

\\kisgmod.netz.nds.police.uk\Groups\PVP Dept\CPDA\1 CPDA Planning Applications\Gravesend\George and Dragon London Road Swanscombe\DOCO response EDC-19-0203 London Road Swanscombe 27-05-20.docx

SidneyPhillips
.co.uk

Shepherds Meadow
Easton Bishop
Hereford
HR2 9UA

Hotel & Licensed Property Agents
[redacted]
www.sidneyphillips.co.uk

PRIVATE & CONFIDENTIAL
Zaan Limited
28 London Road
Rainham
Kent
ME8 6YX

RCO03032020

3 March 2020

Dear Sirs

Re: George & Dragon, London Road, Swanscombe, Kent, DA10 0LQ

I write with regards to the above property, to provide you with a written update as to current proceedings, further to our correspondence of 19 November 2019.

Sidney Phillips were instructed on 14 August 2019 to market the Freehold interest of the property to the open market at an asking price of £550,000 plus VAT. In July 2018 Sidney Phillips sold a neighbouring public house, The Alma, for a figure in excess of £270,000 plus VAT. Given the poor condition of the property and the fact that it is close to half of the size of the George & Dragon, as experts in licenced property sales and valuations, with specialist knowledge of the region and area, we recommended the asking price of £550,000 giving due regard to the size of the property and the more favourable position along London Road. Logic dictates that £550,000 plus VAT is therefore a reasonable price.

Since the date of instruction, Sidney Phillips have undergone a full marketing campaign, in order to fully expose the opportunity to the local and national market, which to date included:

- Entrance onto Sidney Phillips website:
    - Retuned in 3,199 searches on our website
    - Details viewed 333 times on our website
    - PDF particulars downloaded 7 times

- Regular E-marketing campaigns sent out to 1,472 registered buyers on our database.

- Sales details sent by post and email following direct enquiries.

- 'For Sale' board erected from the date of instruction.

- Entrance onto Daltons website from date of instruction (194 web views, 10 enquiries).

- Entrance onto Businessforsale.com website from date of instruction (933 web views, 7 enquiries).

- Entrance onto Zoopla.co.uk website from date of instruction (591 result views, 28 web views).

- Entrance onto RightBiz.co.uk website from date of instruction (13,512 impressions, 222 web views, 11 enquiries).

- Entrance onto RightMove.co.uk website from date of instruction (1,797 web views in last 120 days).

- Entrance onto Morning Advertiser website from date of instruction (statistics unavailable).

- Advertising in industry specific publications:
    - Morning Advertiser
        - 4th September 2019

- Regular social media advertising via Twitter and Facebook.

We understand that an application was submitted for Change of Use in November 2019. Regardless of this, we have continued to market the property for sale for continued A4 usage without cessation.

I trust the contents of this letter are sufficient for your purposes but please do not hesitate to contact me if you require any additional information.

Yours sincerely
SIDNEY PHILLIPS

[redacted]

Robert Cockayne LLB AssocRICS FAVLP
Regional Valuations Manager - London & South East

SidneyPhillips
.co.uk

Shepherds Meadow
Easton Bishop
Hereford
HR2 9UA

Hotel & Licensed Property Agents
[redacted]
www.sidneyphillips.co.uk

PRIVATE & CONFIDENTIAL
Zaan Limited
28 London Road
Rainham
Kent
ME8 6YX

RCO 10012020

10 January 2020

Dear Sirs

Re: George & Dragon, London Road, Swanscombe, Kent, DA10 0LQ

I write with regards to the above property, to provide you with a written update as to current proceedings, further to our correspondence of 19 November 2019.

Sidney Phillips were instructed on 14 August 2019 to market the Freehold interest of the property to the open market at an asking price of £550,000 plus VAT. In July 2018 Sidney Phillips sold a neighbouring public house, The Alma, for a figure in excess of £270,000 plus VAT. Given the poor condition of the property and the fact that it is close to half of the size of the George & Dragon, as experts in licenced property sales and valuations, with specialist knowledge of the region and area, we recommended the asking price of £550,000 giving due regard to the size of the property and the more favourable position along London Road. Logic dictates that £550,000 plus VAT is therefore a reasonable price.

Since the date of instruction, Sidney Phillips have undergone a full marketing campaign, in order to fully expose the opportunity to the local and national market, which to date included:

- Entrance onto Sidney Phillips website:
    - Retuned in 2,822 searches on our website
    - Details viewed 318 times on our website
    - PDF particulars downloaded 7 times

- Regular E-marketing campaigns sent out to 1,457 registered buyers on our database.

- Sales details sent by post and email following direct enquiries.

- 'For Sale' board erected from the date of instruction.

- Entrance onto Daltons website from date of instruction (165 web views, 9 enquiries).

- Entrance onto Businessforsale.com website from date of instruction (800 web views, 6 enquiries).

- Entrance onto Zoopla.co.uk website from date of instruction (590 result views, 42 web views).

- Entrance onto RightBiz.co.uk website from date of instruction (11,246 impressions, 199 web views, 10 enquiries).

- Entrance onto RightMove.co.uk website from date of instruction (1,524 web views in last 120 days).

- Entrance onto Morning Advertiser website from date of instruction (statistics unavailable).

- Advertising in industry specific publications:
    - Morning Advertiser
        - 4th September 2019

- Regular social media advertising via Twitter and Facebook.

We understand that an application was submitted for Change of Use in November 2019. Regardless of this, we have continued to market the property for sale for continued A4 usage without cessation.

I trust the contents of this letter are sufficient for your purposes but please do not hesitate to contact me if you require any additional information.

Yours sincerely
SIDNEY PHILLIPS

[redacted]

Robert Cockayne LLB AssocRICS FAVLP
Regional Valuations Manager - London & South East

SidneyPhillips
.co.uk

Shepherds Meadow
Easton Bishop
Hereford
HR2 9UA

Hotel & Licensed Property Agents
[redacted]
www.sidneyphillips.co.uk

PRIVATE & CONFIDENTIAL
Zaan Limited
28 London Road
Rainham
Kent
ME8 6YX

RCO 19112019

19 November 2019

Dear Sirs

Re: George & Dragon, London Road, Swanscombe, Kent, DA10 0LQ

I write with regards to the above property, to provide you with a written update as to current proceedings.

Sidney Phillips were instructed on 14 August 2019 to market the Freehold interest of the property to the open market at an asking price of £550,000 plus VAT. At the time of instruction the property was opening and trading, however closing down a matter of days later. The opportunity has always been marketed for continued public house use. Prior knowledge and research undertaken prior to inspection of the property for the purpose of a market appraisal indicated that the historic business has always traded as a wet-led public house with a food offering, catering for residents living in the immediate vicinity only, a model that rarely survives in the current market.

Since the date of instruction, Sidney Phillips have undergone a full marketing campaign, in order to fully expose the opportunity to the local and national market, which to date included:

- Entrance onto Sidney Phillips website:
    - Retuned in 2,320 searches on our website
    - Details viewed 292 times on our website
    - PDF particulars downloaded 6 times

- Regular E-marketing campaigns sent out to 1,431 registered buyers on our database.

- Sales details sent by post and email following direct enquiries.

- 'For Sale' board erected from the date of instruction.

- Entrance onto Daltons website from date of instruction (109 web views, 7 enquiries).

- Entrance onto Businessforsale.com website from date of instruction (597 web views, 5 enquiries).

- Entrance onto Zoopla.co.uk website from date of instruction (486 result views, 23 web views).

- Entrance onto RightBiz.co.uk website from date of instruction (8,655 impressions, 163 web views, 9 enquiries).

- Entrance onto RightMove.co.uk website from date of instruction (976 web views).

- Entrance onto Morning Advertiser website from date of instruction (statistics unavailable).

- Advertising in industry specific publications:
    - Morning Advertiser
        - 4th September 2019

- Regular social media advertising via Twitter and Facebook.

Since the vast expansion of the internet since 2003, this is no longer deemed a cost effective or productive form of advertising in our industry.

Despite presenting this opportunity to the local and national market by the aforementioned methods, no viewings have been conducted to date.

One offer has been made to purchase the closed property at an unacceptable figure much below the asking price. This offer was made by a party who has not viewed the property, nor provided a proof of funds. Although unconditional on planning, the intent of the offeree was to demolish the property in its entirety and construct a new purpose built restaurant unit.

Given the required ingoing costs to bring the property up to the modern minimum standards expected to reopen as a public house and the lack of appetite for lending in the leisure sector by lending institutes, it is highly unlikely that a commercial loan or mortgage could be secured to acquire the property. Furthermore, given the fact that the business is closed, and that there is competition from ten other public houses in the immediate area (including a newly constructed purpose built Marston's managed house with food and drinks promotions) as well as numerous national chains available at the nearby Bluewater Shopping Centre, lenders will not look kindly upon a proposal to borrow.

Decline in business which has ultimately led to closure has been due to a number of contributing factors including rising costs; demographic shift towards eating and drinking at home for less money; public health concerns; smoking ban; recession and unemployment and more specifically the rising competition in a small community. Such factors have affected the industry as a whole, and those licensed premises which cannot adapt and compete such as the George & Dragon, are unsustainable in their current forms. The viability of the property to reopen in the A4 class usage is severely limited, not only as a result of the economic climate and consumers choosing to drink at home, but

also due to the close proximity of other establishments in the local community. It is in my opinion as a licensed property specialist that the George & Dragon is no longer viable as a public house business, and better suited to alternative use.

I trust the contents of this letter are sufficient for your purposes but please do not hesitate to contact me if you require any additional information.

Yours sincerely
SIDNEY PHILLIPS

[redacted]

Robert Cockayne LLB AssocRICS FAVLP
Regional Valuations Manager - London & South East

From: [redacted]
Sent: 12 June 2020 14:37
To: EDC Planning
Subject: EDC/19/0203

As requeted

M ANDERSON
[redacted]

Hi i seem to be unable to leave my objection to application ref EDC/19/0203 online at the ebbsfleet development website,

i was also unable to register as the site would not seem to recognise my postcode[redacted]i have been unable to register an objection also due to covid 19 and not receiving your letter regarding the application until now,

i hope my objection will still be considered,

i object to the pizza delivery on the grounds that

there are already 3 other fast food takeaways in the same street,
a proliferation of takeaways is unwanted

the pizza takeaway is on the daily route of school children going to a from school via the bus stops situated near to the site,

pizza consists of high density fat 3 in 10 children between 2 and 15 are already overweight

i would like to draw your attention to both the
The Foresight report (2007) and the Marmot Review (2010)
these both should be considered

research has shown that there is a link with child obesity and fast food takeaways

litter and parking may will become a problem during non covid 19 times there is already a litter and vermin problem on the high street (rats and foxes) due to rubbish yet another fast food outlet will add to this

parking may also become a problem as there is little or none in the area,parking within all saints close is restricted parking, there are yellow lines along the high street ,this would only leave a small area within the premises boundary

unwanted odours/smells may also be an issue

i hope these objections are adequate and are taken into account

a confirmation email would be appreciated

thank you and regards

Reference: EDC/19/0203

Site Address: The George And Dragon, London Road, Swanscombe, Kent, DA10 0LQ

Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.

Applicant: Mr Abdul Mumtaz

Ward: Swanscombe

RECOMMENDATION:

Refuse for the following reasons:

1. The proposal would result in loss of a community facility for non-community purposes, contrary to policy DP21 of the Dartford Development Policies Plan July 2017. Sufficient evidence has not been provided within the application to demonstrate that the facility is shown not to be needed by the community nor that reasonable efforts have been made to preserve a community use, including exploration of appropriate solutions to retain the facility with operators/ service providers and where appropriate the local community.

2. The proposal would provide a hot food takeaway (Use Class A5) in an inappropriate location outside of a designated centre identified in the development plan, contrary to policies DP14 and DP19 of the Dartford Development Policies Plan July 2017 and paragraph 85 of the National Planning Policy Framework. Insufficient information has been provided to demonstrate that the sequential test has been met and that it would not cause harm to the long-term vitality and viability of a designated centre, nor has an adequate justification been provided for the proposed Class A5 use in a location to which development plan policy identifies as inappropriate.

3. The proposal has not demonstrated that adequate provision for customer parking could be provided at the site in addition to staff parking. This would likely result in unacceptable adverse impacts upon the transport and access conditions within the surrounding area, unacceptable increases to on-street parking, and give rise to noise and disturbance impacting residential amenity in the immediate area, contrary to policies DP3, DP4, DP5 and DP19 of the Dartford Development Policies Plan July 2017.

INFORMATIVES

1. Statement of Positive and Creative Approach to Decision-Making
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 and paragraph 38 of the National Planning Policy Framework Ebbsfleet Development Corporation, as local planning authority, has approached the assessment and determination of this application in a positive and creative manner.

This has involved proactive discussions at pre-application and planning application stage to discuss the principles of the proposal and to provide additional information to support assessment of the application. The application was also determined within the relevant timescales.

1.0 SITE CONTEXT AND BACKGROUND

1.1 The application site comprises a parcel of land (625 sq. m) located at the junction of High Street and A226 London Road/ Galley Hill Road. The George and Dragon Public House, a 3 storey building, is situated to the northern part of the site fronting onto London Road with the entrance door accessed from the side of the building on High Street.

1.2 The ground floor of the building consists of an internal bar and seating area, with a small dining area and kitchen to the rear. Stairs to the rear of the bar area provide access to basement below, and to staff/guest rooms on the first and second floors. Externally there is a small seating area near to the side entrance door fronting the High Street. To the rear there is a parking area, storage and larger external seating area which is part covered by a canopy. This area is shielded from view by a boundary wall and fence along the High Street.

1.3 Neighbouring uses consist of commercial operations to the west and south in the Galley Hill Industrial Estate. On the northern side of London Road that are further commercial units with some residential apartments. A Grade II* listed building, the Church of All Saints, lies to the eastern side of High Street, which has been converted to residential apartments, and further residential properties are located to the south east.

1.4 The site lies within the Borough of Dartford and within the Swanscombe Peninsula Major Development Site as identified in the Ebbsfleet Implementation Framework

2.0 PROPOSAL

2.1 The proposal seeks to change the use of the building from use as a public house (Use Class A4) to a pizza delivery and takeaway (Use Class A5). The entrance to the building would be via an existing door on the northern side of the property, near to the existing bus stop. The first and second floors of the building, which are currently used for staff/ guest accommodation ancillary to the current use as a public house, would be retained as ancillary accommodation for the takeaway use.

2.2 Minor changes are proposed to the external appearance of the building for ancillary equipment in connection with the proposed use. These comprise an extraction duct and inlet grill on the western elevation, and air conditioning/ cold room compressors at ground floor level on the southern elevation. No other changes to the external appearance of the building or site are proposed, with the exception of replacement signage indicated on the submitted elevations, which would be subject to control under the Advertisement Regulations 2007.

2.3 The application is accompanied by the following plans and documents:

- Drawing no. 001 Rev. A - Site Location Plan and Existing Site Plan

- Drawing no. 002 Rev. A - Existing Basement and Ground Floor Plans
- Drawing no. 003 Rev. A - Existing First and Second Floor Plans
- Drawing no. 004 Rev. A - Existing Elevations
- Drawing no. 005 - Proposed Site Plan
- Drawing no. 006 - Proposed Basement and Ground Floor Plans
- Drawing no. 007 - Proposed First and Second Floor Plans
- Drawing no. 008 - Proposed Elevations
- Design and Access Statement (Issue 2) by Cook Associates dated November 2019
- Environment Agency Flood Map for Planning dated 26th November 2019
- Letter – Ebbsfleet Development Corporation dated 15th July 2019 (Pre-Application Advice)
- Estate Agent Letter by Sidney Phillips dated 19 November 2019 (Ref. RCO 19112019
- Estate Agent Letter by Sidney Phillips dated 10 January 2020 (Ref. RCO 10102020
- Estate Agent Letter by Sidney Phillips dated 3 March 2020 (Ref. RCO 03032020
- Email – Pegasus Group dated 20th May 2020 (Agent Comments on Marketing)
- Proposed Change of Use Application, George and Dragon Public House, Swanscombe - Transport Note - February 2020 by Croft Transport & Design
- Sequential Sites Assessment, George and Dragon, 1 London Road, Swanscombe dated February 2020 by Pegasus Group (Ref. P19-1774)

2.4 Updated and additional plans were received for the application to provide necessary clarity on the proposed use and function of the rear parking area, as well as further information to address concerns raised upon original submission of the application in terms of loss of community facility, proposed Class A5 use outside of a designated centre, and parking provision.

3.0 RELEVANT PLANNING HISTORY

3.1 14/01120/ADV – Display of 5 Replacement externally illuminated fascia signs in existing positions 1 externally illuminated and 2 No. non illuminated additional fascia signs and 1 No. non illuminated pole sign.

Approved 07.10.14 by Dartford Borough Council

3.2 15/00877/ECFUL – Provision of 3 No. angled flagpoles (retrospective), 1 No. vertical flagpole and ‘café barriers’ within curtilage.

Approved 14.08.15 by Dartford Borough Council

3.3 15/01270/ECADV - Display of Public House name on and graphic motif "on cafe barriers".

Approved 05.10.15 by Dartford Borough Council

3.4 EDC/16/0034 - Erection of a single storey rear extension with construction of enclosure to repositioned stairs to first floor.

Approved 16.09.16 by Ebbsfleet Development Corporation subject to conditions. This consent has now lapsed.

4.0 PUBLICITY

First Round of Publicity - December 2019

4.1 Notification letters were sent to 74 adjoining residential and business properties. The application was also publicised on site via 2no. site notices and in the Ebbsfleet Development Corporation (EDC) weekly list.

4.2 In addition, notification was sent to Dartford Borough Council Swanscombe Ward Members, Cllr Anita Barham and Cllr Emma-Louise Ben Moussa, and Swanscombe and Greenhithe Residents Association.

Second Round of Publicity - May 2020

4.3 151 notification letters were sent, comprising letters to adjoining residential and business properties, and other parties whom had previously commented on the proposal . The application was also publicised on site via 2no. site notices and in the Ebbsfleet Development Corporation (EDC) weekly list.

4.4 In addition, notification was sent to Dartford Borough Council Swanscombe Ward Members, Cllr Anita Barham and Cllr Emma-Louise Ben Moussa, and Swanscombe and Greenhithe Residents Association.

5.0 REPRESENTATIONS

First Round of Publicity - December 2019

5.1 A total of 53 written representations were received following publicity, which are detailed below. These comprise comments from a local resident, local councillors and members of the public.

5.2 Local resident comments stated as being in neither support nor objection - 1no. written representation:

- Query location of the existing 10 parking spaces stated on application form as they are certainly not out the front of the address

5.3 Public comments stated as being in support - 1 no. written representation:

- Swanscombe does not have a recognised pizza branch;
- Hopefully provide jobs for local residents;
- Concern that it doesn't affect traffic as on a corner with traffic lights.

5.4 Public comments stated as being in neither in support nor objection – 2no. written representations:

- Shame to have one of the remaining pubs in Swanscombe turned into a takeaway building;

- A restaurant or gastro pub would make more sense as nowhere in Swanscombe to have a meal out;
- Concern that there is no parking and people pulling up onto the pavement to collect pizzas that would cause problems with the traffic lights in front of the property.

5.5 Public comments in objection – 47 written representations:

- Additional traffic and congestion;
- Illegal parking at busy traffic light junction;
- Parking inadequate in area blighted by inconsiderate drivers and inadequately policed;
- Public house clientele has largely walked from the local community, a delivery and takeaway business generates much more frequent footfall largely by motorised vehicles;
- Swanscombe does not need more takeaways;
- Swanscombe already has a fish and chips, Chinese, kebab and pizza takeaway, and 2 minutes away an Indian and another kebab takeaway;
- There are already a number of takeaways in Swanscombe which serve pizza as well;
- Takeaways and pizza delivery outlets are also in nearby areas with 14 in a 6 mile radius;
- Having more takeaways is promoting unhealthy eating for adults and children;
- Nuisance from noise and anti-social behaviour;
- Only 3 pubs and Sports pavilion left in Swanscombe for entertainment;
- Impact on character of the area and entrance to Swanscombe;
- Pizza takeaway will not give good impression as enter Swanscombe;
- Increased litter from people leaving the premises;
- No mention of what is intended for the upstairs accommodation which have been residential or used for bed and breakfast guests;
- If a takeaway is needed in Ebbsfleet it should be in Ebbsfleet;
- Loss of the George and Dragon as an asset/hub and much loved historic part of the community, iconic and beautiful building, and devastating to the surrounding area;
- Due to heritage of the building would be nice to see it open as a pub again;
- Already lost three pubs from the local area, more housing and more people and only two pubs;
- Other uses suggested such as destination of choice for families, carvery, youth club/centre, family friendly restaurant, place for community to get together, doctor's surgery, medical walk-in-centre, greengrocers or somewhere offering healthy food;
- More effort should be made to seek a buyer for the pub or offer it to a brewery, pubs are the centre of their community, pizza places are not;
- The George and Dragon had such a wonderful community spirit and was always busy with many regulars;
- Given Ebbsfleet village and Theme park development adding thousands of visitors to the area surely a local pub with character beneficial to the community long term;
- Experience in SE London of number of pubs disappear, planning consent for flats rejected, the pub turned into a takeaway, which shuts after a year, the premises then left empty for a year and then turned into flats.

5.6 Cllr Emma Ben Moussa (Dartford Borough Council – Swanscombe Ward) and Swanscombe and Greenhithe Borough Council – Swanscombe Ward) in objection

- The George and the Dragon was a much loved historic part of our community and the general opinion is it would be nice to keep it as a community place or a public house as it was, or a sit down (healthy restaurant).
- Currently have 14 pizza outlets in a 6 mile radius. Our high street currently has a fish and chips, Chinese, kebab and pizza takeaway and 2 minutes up the road an Indian and another kebab takeaway. We have more than enough takeaways here and it was our belief that EDC is promoting a healthy lifestyle, surely that shouldn't including opening more takeaways.
- The London road is often stuck in gridlock, residents are worried this will bring more pressure to Swanscombe's roads. They don't want the entrance of our town to be a takeaway, its a beautiful building and we like it to remain as something Swanscombe can be proud of.

5.7 Cllr Lesley Howes (Swanscombe and Greenhithe Borough Council – Knockhall Ward) in objection -

- Although the property is historically a public house the cliental has largely walked there from the local community. A delivery and take away business generates a much more frequent footfall which largely comes by motorised vehicles.
- Parking is inadequate in an area already blighted by inconsiderate drivers and parking is inadequately policed.
- The building is situated by traffic lights on a major road junction.
- Takeaways largely generate more rubbish.
- There is no mention of alterations to the upper floors which have been residential or used for Bed and Breakfast guests.

Second Round of Publicity - May 2020

5.8 A total of 55 written representations were received following publicity, which are detailed below. These comprise comments from a local residents, local councillors and members of the public. No comments were stated as being is support or neither in support nor objection.

5.9 Local residents in objection - 5no. written representations:

- Swanscombe has 4 or so entrances, this smart building opposite a church is one and would not like it to be replaced with another fast food vendor.
- Do not want a pizza place made out of one of Swanscombe's historic buildings.
- The High Street alone has fish and chips, kebab, Indian and Chinese amongst others and this will further bring down the appearance of the town.
- Parking will be an issue and with main road and traffic lights outside with the close opposite the only available parking for customers where cars already park illegally for the train station.
- The noise, appearance, disturbance of parking availability and general idea is very unappealing
- Insufficient provision appears to have been made for customer parking spaces which will put further pressure upon the adjacent road and private car parking spaces, resulting in an increase in vehicular emissions and noise pollution and a possible increased risk of accidents.
- Not only will it create more traffic, it was create more rubbish and pollution.

- The proposal does not appear to take existing traffic problems, such as HGVs turning, into account, particularly as the proposed site is adjacent to an industrial estate.
- Logic would also dictate that the current and severe litter problems encountered within the area will be further exacerbated by the opening of yet another fast food outlet.
- A westerly wind may be expected to direct all cooking aromas directly onto and into the neighbouring dwellings.
- There are already have enough fast food places in Swanscombe and don't need another.
- Inappropriate for this area with only negative impacts and no positive outcomes
- Will be problems with litter which is already bad enough, bad cooking smells over adjoining residential areas, noise nuisance, increase in traffic and pollution, and road safety will be compromised on this very busy corner/ road junction.
- 8 car parking spaces not enough, will lead to considerable problems from outlet users parking on the High Street, London Road, All Saints Close and the bus stops on London Road, it is already bad enough with rail commuters parking.
- Already 3 other fast food takeaways in the same street, a proliferation of takeaways is unwanted
- The pizza takeaway is on the daily route of school children going to a from school via the bus stops situated near to the site. Pizza consists of high density fat 3 in 10 children between 2 and 15 are already overweight. Research from the Foresight report (2007) and the Marmot Review (2010) has shown that there is a link with child obesity and fast food takeaways
- Litter and parking may become a problem during non covid 19 times there is already a litter and vermin problem on the high street (rats and foxes) due to rubbish yet another fast food outlet will add to this
- Parking may also become a problem as there is little or none in the area, parking within all saints close is restricted parking, there are yellow lines along the high street ,this would only leave a small area within the premises boundary
- Unwanted odours/smells may also be an issue.

5.10 Public comments in objection – 47no. written representations:

- The pub is over 100 years old changing to a pizza takeaway would be an insult to the history of the building
- Too many local buildings have changed in the past. Swanscombe is losing its identity
- Middle House, Bottom House, Blue Anchor, The Alma, Morning Star have all been demolished for housing, there should be no more
- Area still needs a good pub, The George and the Dragon closing has definitely affected the community with loss of a local meeting point and landmark
- Unnecessary development of an otherwise successful public house
- Locals need to have a selection of amenities – many takeaway and food places but not enough pubs. Bluewater nearby and many places already doing pizza delivery in this area so not needed
- One pub already allowed to be shut and turned into flats can’t allow another one to be turned into a pizza place not even a 100m from the one that closed
- This pub is an iconic pub and was always busy and needs to stay as is
- Have been enough closures of pubs in the area, surely especially with covid-19 should be looking to keep this wonderful pub open at all costs, a real community pub which attracts visitors from other areas as well.

- Already so many takeaways in Swanscombe so many places being knocked down to build flats.
- Terrible shame for the residents of Swanscombe to lose yet another pub with many have disappeared in recent years.
- Swanscombe in desperate need of a welcoming family-oriented pub run on the same lines as previously under the last owners of The George & Dragon. Inappropriate to consign this valuable community asset to history at this time.
- Far too many pubs in Kent have disappeared thanks to unscrupulous, predatory speculators
- Have lost all but 3 of our Public Houses.
- This pub needs protecting and remaining as a public house, several already disappeared, turned into housing developments, the Wheatsheaf is under threat of developers and the Sun unlikely to recover from Covid 19 impacts & current building condition leaving this as one of only two public houses remaining.
- Public Houses are integral places to maintain community spirit and can be a hub for positivity and events in a local area, and steeped in history. This pub an integral part of our community.
- the George and Dragon was a lovely place to go, should be left to become something where the residents will be proud to have it within their community.
- Various public houses closed recently it should be kept as a public house.
- More than enough takeaways in the area that half of the commercial properties are already taken up Swanscombe does not need another one
- Already enough takeaway food outlets in area including pizza, within walking distance of this pub.
- Surrounding areas have pizza establishments who deliver.
- Unwanted business by the community.
- Should be turned into something for children for an example a youth club
- Area needs a driving test centre
- Not addressing obesity
- Town has enough takeaways that cater to the needs of the town.
- Being on the corner of a busy main road will cause chaos for us local residents
- note that there are already shops spaces available at nearby new build estates that are probably more suitable.
- Another takeaway not needed, litter, traffic. What happened to community
- Don't need another fast food shop. Need a few pubs left.
- Swanscombe already has 5 establishments selling food, one of which includes pizza. It is located close to Bluewater which has numerous food establishments. There is no requirement for an additional restaurant/ takeaway
- Parking is a big issue at the end of Swanscombe and late opening hours will also impact people living near
- Will cause issues with traffic and noise especially if Paramount goes ahead.
- Poor access as on a junction off 2 busy roads when it was a pub people mostly walked there.
- Parking in area is already dangerous will make this worse
- Not suitable on a corner of a junction people will be stopping in the bus stop and dropping of litter in the local area
- Safety at that point on London Road as parked cars would lead to blind spots at the lights.
- Adjoining car park is very small.
- Limited visibility and tight corner already makes that turning dangerous with mix of people parking up and delivery drivers around the area also close to a high volume bus stop inevitable for an increase in accidents
- Would cause no end of aggravation to the local residents, increased traffic

- Pollution and danger to school children waiting to board buses next to outlet.
- Will cause further traffic congestion, additional to already experienced frequently due to Bluewater and A2/M25 traffic short cutting every time there is congestion.
- People do not stick to designated parking areas & will go for the easy option which in this case will mean causing hazards at an already busy junction.
- Inevitable that there will be a noise nuisance from visitors, cars and whatever delivery bikes are utilised until late in the evenings.
- Smell from the stack and will not fit into the area
- Be detrimental to town and neighbourhood
- Another fast food business would encourage more rubbish, antisocial behaviours by visitors to the site, increased noise levels, light disturbance.
- If pizza takeaway approved must stipulate that it cannot be turned into residential space for at least 10 years.
- Will increase the potential for anti-social behaviour in the vicinity
- No mention of what is intended for the upstairs
- Will only have a negative impact on the area generally.
- Blight to the area from litter, High Street is bad enough without a pizza restaurant.

5.11 Cllr Emma Ben Moussa (Dartford Borough Council – Swanscombe Ward) and Swanscombe and Greenhithe Borough Council – Swanscombe Ward) in objection:

- Previously objected to this application and will do so again
- Swanscombe has multiple take always already and the surrounding area has an abundance of pizza takeaways except maybe Ebbsfleet itself.
- Ebbsfleet vision is to be a healthy town and this contradicts that although Swanscombe is not in Ebbsfleet it would be nice to see the same emphasise on a healthier lifestyle given to us too.
- The road is traffic heavy and often have cars queuing up the high street with particularly dangerous parking around coop site, any additional traffic will make this more dangerous and EDC have kindly being trying to help us make it safer.

5.12 Cllr Anita Barham (Dartford Borough Council – Swanscombe Ward) in objection:

- Insufficient provision appears to have been made for customer parking spaces, which will put further pressure upon the adjacent road and private car parking spaces, resulting in an increase in vehicular emissions and noise pollution and a possible increased risk of accidents.
- The proposal does not appear to take existing traffic problems, such as HGVs turning, into account, particularly as the proposed site is adjacent to an industrial estate.
- Logic would also dictate that the current and severe litter problems encountered within the area will be further exacerbated by the opening of yet another fast food outlet.
- The Ebbsfleet Garden City vision is to be a healthy town; and this planning application contradicts that aspiration for a healthier lifestyle.

5.13 Cllr Peter Harman (Dartford Borough Council – Greenhithe & Knockhall Ward) in objection:

- Insufficient provision appears to have been made for customer parking spaces, which will put further pressure upon the adjacent road and private car parking spaces, resulting in an increase in vehicular emissions and noise pollution and a possible increased risk of accidents.

- The proposal does not appear to take existing traffic problems, such as HGVs turning, into account, particularly as the proposed site is adjacent to an industrial estate.
- Logic would also dictate that the current and severe litter problems encountered within the area will be further exacerbated by the opening of yet another fast food outlet.
- The Ebbsfleet Garden City vision is to be a healthy town; and this planning application contradicts that aspiration for a healthier lifestyle.

6.0 CONSULTATION RESPONSES

6.1 The following organisations have been consulted on the application:

- Kent County Council Highways and Transportation
- Dartford Borough Council
  - Planning
  - Environmental Health
- Swanscombe and Greenhithe Town Council
- Kent Police Crime Prevention Officer

6.2 The following responses have been received and summarised as follows:

Kent County Council Highways and Transportation (KCC Highways) - KCC Highways and Transportation would not normally comment on change of use applications. Suggest the applicant liaises with KCC Highways and Transportation and Dartford Borough Council to investigate the implementation of Double Yellow Lines within the vicinity of the site. Any changes to the Traffic Regulation Order would be subject to consultation and at a cost to the applicant.

EDC Officer Comment: A planning condition for the applicant to fund and use best endeavours to implement a TRO would be sought were permission recommended to be approved.

Dartford Borough Council Planning and Environmental Health (DBC) - Object to the proposed change of use as being contrary to Policies DP19 and DP21 of the adopted Local Plan and could result in harm to the character, amenity and highway safety in the surrounding area.

Public houses that area well-established within the locality are included within definition of Community Facilities within the Development Policies Plan (DPP) and covered by Policy DP21 where there is a reasonable possibility of the building being re-used to provide community services. The Council considers that the George and Dragon PH has been well-established in the community for some time, providing a meeting place for locals and a focus for the community, and is significantly different from the Alma PH which the applicant refers to. Consideration of the application to convert the Alma PH (18/01002/OUT) concluded that this did not provide a community facility.

DP12:2 advises that the loss of community facilities will only be permitted where they are no longer needed by the local community and the facility or land has no reasonable prospect of being viably reused to provide the same or other type of community use. A relatively short period of marketing took place for the property prior to it being sold, and the further marketing letter (dated 3 March 2020) advises that the

property has continued to be marketed following the submission of the application in November. However, the applicant appears to own the property already, based on Certificate A and so the Council have doubts about the purpose of this marketing and there is no information on any interest that was received in response to this marketing and how this was treated. The Borough Council have doubts whether such marketing is sufficient to conclude that there is no prospect of the property being used for another type of community use or indeed a public house. Given the location of the building close to a major growth area and on a strategic east-west route the Council consider that there is a reasonable possibility of the building being re-used as an A4 use or similar community service to serve the local area.

Policy DP19 of the adopted Local Plan sets out criteria for proposed A5 uses to be considered against. As the property is located on a strategic east-west route through the Borough, designated as an Air Quality Management Area the Council has concerns regarding likely traffic generation, and indiscriminate parking due to the short visits likely to result from this use, which could impact on the free flow of traffic in this area and highway safety around the junction with the High Street. The applicant's Design and Access statement refers to rear servicing and access at the property reached via private land outside of the red line planning application boundary, so request that EDC satisfy themselves that there are adequate rights of way for the proposed use.

Policy DP19:2 advises that takeaways will normally only be permitted within designated centres. The site falls outside of the designated district centre of Swanscombe and given its location on a main strategic road is likely to generate trips from a wider area than simply the district centre catchment. The Council raise concerns that this may result in increased private car use contrary to the objectives of the adopted Local Plan.

No information has been submitted with regard to odour and noise in relation to the proposed use, but the Council's Environmental Health Officers consider that an appropriate solution could be found to mitigate this. Should planning permission be granted conditions requiring details of a scheme for odour and noise control, details of any plant, a full air quality impact assessment, details of external lighting, and control on site working hours are requested. should planning permission be granted. Given the location of this property on a prominent ridge, the Council raise some concern that any plant or flues could be prominent on long-distance views as well the impacts from external lighting and consider that such matters should be assessed in detail. The applicant is also requested to contact Environmental Health, Food Safety Team at the initial design stage, with respect to advice on compliance with food safety legislation and advice regarding a food registration.

EDC Officer Comment: Whilst EDC are the determining authority and decision maker in respect of DBC planning policy, DBC remain the plan-making authority and therefore comments in this regard have been treated as being from the Planning Policy Manager. Were the application to be recommended for approval, planning conditions would be recommended for the matters raised by DBC Environmental Health.

Swanscombe and Greenhithe Town Council - Object to the application due to poor access over private land, inadequate parking leading to anti-social parking in surrounding area, effect on air quality, increased noise, litter, traffic and congestion with the adjacent junction the scene of numerous road traffic accidents, the proposal being out of keeping with character of the area, would negatively impact amenity and unsuitable at entrance to Swanscombe, insufficient evidence of need for the

proposed use and would go against EDC's objectives for healthy lifestyles. Advise sheer volume of responses to this application gives a very good indication on whether the application is wanted or needed by the local community. Request confirmation that the application meets the principles of the Dartford Adopted Local Plan.

EDC Officer Comment: The above comments have been considered in section 9 of this report.

Kent Police Crime Prevention Officer – Recommend the use of Secured By Design (SBD) security standards for any replacement doorsets and windows and other security items, as detailed in the SBD Commercial 2015 guide.

EDC Officer Comment: The application does not seek to replace doorsets or windows.

7.0 PLANNING POLICY

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 The development plan comprises the adopted Dartford Core Strategy 2011, the Dartford Development Policies Plan 2017 and the Kent Minerals and Waste Local Plan 2016. The Core Strategy provides the framework for development in the Borough of Dartford by outlining where, and how many, new homes and jobs will be created. The first policies of the plan identify locations for major development at Dartford Town Centre/ Northern Gateway, Ebbsfleet to Stone and the Thames Waterfront. Its objectives are also delivered through the Development Policies Plan 2017 which includes more detailed thematic policies, together with Supplementary Planning Documents (SPDs).

7.3 The development plan policies and supplementary planning documents relevant to the consideration of this application are set out below:

Dartford Core Strategy (CS) (September 2011)

- Policy CS9 - Skills and Training
- Policy CS12 - Network of Shopping Centres
- Policy CS15 - Managing Transport Demand
- Policy CS23 - Minimising Carbon Emissions

Dartford Development Policies Plan (DPP) (July 2017)

- Policy DP1 - Dartford's Presumption in Favour of Sustainable Development
- Policy DP2 - Good Design in Dartford
- Policy DP3 - Transport Impacts of Development
- Policy DP4 - Transport Access and Design
- Policy DP5 - Environmental and Amenity Protection
- Policy DP13 - Designated Heritage Assets
- Policy DP14 - Retail and Town Centre Development
- Policy DP17 - District Centre
- Policy DP19 - Food and Drink Establishments
- Policy DP20 - Identified Employment Areas
- Policy DP21 - Securing Community Facilities

8.0 OTHER RELEVANT GUIDANCE

National Planning Policy Framework and Guidance

8.1 The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. The Dartford Core Strategy and Development Polices Plan have been found to be sound and consistent with the NPPF. Planning Practice Guidance (PPG) supports and clarifies areas in the NPPF.

Supplementary Planning Guidance

8.2 The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on adopted policies and are material considerations in determining planning applications. The following documents are relevant to the consideration of this application:

- Dartford Borough Council Parking Standards Supplementary Planning Document (July 2012)
- Swanscombe Peninsula West Planning Brief (February 2004)

Ebbsfleet Development Corporation Documents

8.3 EDC has published its Implementation Framework dated 2017 which sets out the area wide spatial framework, vision for Ebbsfleet alongside strategic development areas and associated design guidance.

8.4 EDC has produced a Sustainable Travel Strategy which considers a range of safe, convenient and affordable travel options for local journeys within the Ebbsfleet Development Area to reduce the need to use or own a car. The document was approved by the EDC board in May 2020 subject to final comments being received from Dartford and Gravesham Borough Councils.

9.0 PLANNING APPRAISAL

9.1 Principle of Development

9.1.1 The application site lies outside of Priority Areas and Strategic Sites identified by the Dartford Core Strategy however it is adjacent to, and shares a rear vehicle access with, an area allocated for employment uses as shown on the Dartford Policies Map. Dartford Core Strategy Policy CS7 supports the development and ongoing protection of such employment floorspace. The principle of the proposal for an A5 Class use of the property is not considered to prejudice ongoing operations of these adjoining employment uses, however detrimental impacts may occur without suitable controls over the proposal's operation.

9.1.2 The application site and most of the wider Swanscombe Peninsula are within the red line boundary of the proposed London Entertainment Resort, which has been classified as a Nationally Significant Infrastructure Project (NSIP). Relevant case law suggests that in the absence of conflict with planning policy and/or other planning harm, the relative advantages of alternative proposals on an application site are, in most cases, not relevant in planning terms. The potential NSIP application for

London Entertainment Resort, as an alternative scheme, is not considered to impact assessment of this application under the Town and Country Planning Act 1990.

Loss of Community Facility

9.1.3 Paragraph 92 of the NPPF seeks, that in order to provide the social, recreational and cultural facilities and services the community needs, for planning policies and decisions to plan positively for the provision and use of community facilities, including public houses, to enhance the sustainability of communities and residential environments, and to guard against the unnecessary loss of valued facilities and services. The NPPF also encourages the taking into account, and supporting of, the delivery of local strategies to improve health, social and cultural well-being for all sections of the community. This is supported by paragraph 91 which seeks for planning policies and decisions to aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles.

9.1.4 Dartford Development Policies Plan 2017, in the preamble to policy DP21 sets out the need for retention of community facilities. Paragraph 14.4 identifies community facilities as encompassing buildings and spaces used for a variety of purposes. Paragraph 14.5 further identifies that facilities often valued by the community, including public houses that are well established within the locality and where there is a reasonable possibility of the building being reused to provide community services, as being community facilities.

9.1.5 The George and Dragon PH has been well established for a long period of time within the locality, and as a local meeting place and focus for the community, which is emphasised by the number of local objections received which comment on the loss of the public house use. Until the latter part of 2019 the George and Dragon was trading as a public house, with photographs of the existing interior showing the property to be in a good condition. The property retains facilities including the bar, standing and seating areas both internal and external, kitchen, rear servicing, basement, and storage areas. Many comments also refer to the three other public houses in Swanscombe which have been lost (through conversion to housing) over the previous 10 years. Comments from DBC that the George and Dragon PH's location close to a major growth area and on a strategic east-west route supports there being a reasonable possibility of the building being re-used as an A4 use or similar community service to serve the local area are considered justified, particularly in relation to upcoming residential and commercial development proposals in the vicinity and Ebbsfleet area as a whole, and the reduced number of public houses within Swanscombe itself.

9.1.6 Given the above, the proposed change of use of the George and Dragon PH, being a community facility, needs to satisfy the requirements of Policy DP21:2. This requires *clear evidence that a) the facility is shown not to be needed by the community (both current and future planned users), and (b) that all reasonable efforts have been made to preserve a community use, including exploration of appropriate solutions to retain the facility with operators/ service providers and where appropriate the local community. Consideration should include any potential future demand arising from new development located within the catchment area of the facility/ use.*

9.1.7 The pre-amble to policy DP21 in paragraphs 14.8 to 14.10 outlines the information required from applicants to address the requirements of Policy DP21:2, namely that it must be demonstrated that there must be no reasonable prospect of the community facility being viably reused to provide the same or another type of community use,

and that a full search for another operator/ provider should be made with sufficient effective marketing needing to have taken place, defined as:

"continuous proactive marketing for an appropriate period, but not exceeding 12 months, using a professional agent and an appropriate range of online, on site and other advertising media. The asking price should, throughout the 12 month period, be shown to be reasonable for the property and location, and to reflect the market value of the uses currently required under policy."

9.1.8 The application is supported by a Design and Access Statement which advises that the George and Dragon has been marketed with the same professional agent as for The Alma, a former public house nearby in Swanscombe, which was approved for conversion to housing in 2019. Several marketing letters from the estate agent have been submitted which state that at the time of instruction the George and Dragon was open and trading as a public house with food offering but closing down several days later. The letter advises the property has been marketed since 14 August 2019 for continued use as a public house with a full marketing campaign. No viewings were conducted and only one offer received at 'an unacceptable figure much below the asking price' with the intention of the party making the offer to demolish the property and construct a new purpose-built restaurant unit. The estate agent letter offers further opinion that a potential purchaser would be unlikely to secure a commercial loan or mortgage to acquire and refurbish the property.

9.1.9 Comments received from DBC highlight that the property was marketed for a short period of time before being sold to the current applicant, whom based on the application form ownership certificate was owner of the property at least 21 days prior to when this application was submitted on 27 November 2019. Publicly available Land Registry transaction data indicates this time period being shorter still with a sale of the property registered as having taken place on 30 September 2019, and pre-application advice was sought for a similar proposal in June/July 2019.

9.1.10 It is therefore questionable how proactive this marketing is since it has been carried out by the current owners and applicants whom would likely have little intention to sell the property. This is evidenced by the submitted marketing letters over the planning application period, which other than updating the number of views and enquiries from potential purchasers, do not provide any further information on potential purchasers, how their enquires were treated, their feedback on re-opening the property as a public house, nor any efforts to regularly refresh the marketing (for example press publications, updated sales particulars) to actively seek a buyer for the property. The proposed asking price for the property is stated as having been derived from being double the sale price of the Alma, with no supporting evidence in justification other than it being twice the floor area.

9.1.11 It is relevant to note that in addition to the specific circumstances of the Alma, the comparative letter, submitted by the same estate agent, in the application for its redevelopment (ref. DA/18/01002/OUT), detailed 13 viewings having been undertaken and offers received. In addition it provided feedback from potential purchasers on the capital expenditure for repairs and refurbishment of that property to assist demonstrating that sufficient marketing had taken place in that particular circumstance, where factors such as its poor condition, long period of being closed, and poor reputation over many years were applicable. By contrast the George and Dragon has been well-established for a long period of time as a local meeting place and focus for the community, recently in operation as a PH and seen to be in good condition, and would therefore require substantially more evidence to demonstrate it could no longer function as a PH or another community use.

9.1.12 Whilst the Dartford Development Policies plan does not prescribe a minimum marketing period, up to 12 months is referenced. With no viewings having been undertaken for the George and Dragon, and limited supporting information to demonstrate the asking price as reasonable, continuous proactive marketing of the property is therefore not considered to have been demonstrated within the application.

9.1.13 Notwithstanding the above, no evidence has been provided within the application to justify that there is no prospect of the building being used as a public house, nor that a full exploration of alternative community uses has taken place. It is therefore considered that the proposal has not met the requirements under Policy DP21:2 for development of an existing community facility.

9.1.14 The Design and Access Statement implies that a hot food takeaway could provide a community function as a meeting place since the NPPF refers to local shops and meeting places as community uses. Whilst, NPPF paragraph 92(a) refers to the provision of local shops and meeting places as community facilities, local shops generally fall within use class A1. A hot foot takeaway falls within use class A5, and the proposed ground floor plans submitted show minimal standing and seating within the customer waiting area for social interaction. The retention of the building as a community facility through the meeting space provided as part of its use as a hot food takeaway is therefore considered a weak argument.

9.1.15 Further comments provided by the agent for this application refer to the current temporary permitted development rights until 23 March 2021 for public houses to operate as a takeaway, that takeaways form important community services during current period of social distancing, and that these rights would enable temporary loss of the public house use. It is not considered however that the current permitted development rights, since they are temporary, provide any support as a fallback position for the permanent change of use proposed by this application.

Proposed use outside of a Designated Centre

9.1.16 Paragraph 85 of the NPPF advocates support for town centres, for a network and hierarchy to be defined and to promote their long-term vitality and viability. Building on the approach of the retail strategy from Core Strategy Policy CS12, the Dartford Development Policies Plan identifies a network of designated centres. Policy DP14:1 seeks for investment to be directed as planned towards centres, and that A-Class uses will not be permitted outside centres where the sequential test is not met. Policy DP17 provides support for A-Class uses in district centres and Policy DP19 resists further A5 Takeaway uses.

9.1.17 The Dartford Policies Map and Appendix B of the Development Policies Plan identifies specific properties as being within designated District and Neighbourhood Centres. The application site does not lie within these and as it lies within 300m of the nearest designated centre at Swanscombe High Street would be defined by the NPPF as an edge of centre location. It is however also physically separated from the centre with the only pedestrian route being a narrow footway of a road bridge crossing the east-west railway, and by being outside of a designated centre Policy DP19:2 defines the site as an inappropriate location for a takeaway.

9.1.18 Policy DP14:4 requires an impact assessment in addition for retail development over 500 sq. m floorspace, however as the floorspace of the George and Dragon PH is below this at 339 sq. m, an impact assessment is not required. A sequential test still

needs to be met to meet requirements of policy DP14:1 and a Sequential Sites Assessment has been submitted as part of this application. The assessment details a desktop search of available commercial properties within a ½ mile radius of Swanscombe District Centre having a floor area between 100-500 sq. m. This identified only one available property of size 74-84 sq. m, concluding that there are no available, suitable and viable sites within a nearby designated centre. Additionally the assessment notes that since the proposed use would replace an existing town centre use in an edge of centre location, there would be no increased level of harm to the existing centre as a result.

9.1.19 Planning Practice Guidance paragraph 011 (Reference ID: 2b-011-20190722 Revision date: 22 07 2019) advises that it is for the applicant to demonstrate compliance with the test, and that the application of the test will need to be proportionate and appropriate for the given proposal. The submitted assessment confirms it has been limited to a desktop search of the immediately nearby designated centre to the application site. Given that the scale of the proposed use would be expected to draw a much wider catchment than the immediate locality, it is considered that a desktop search alone is not sufficient to assess the availability of suitable property and that justifiable reasoning for the proposal needing to be located in Swanscombe would also be required to be demonstrated. As evidenced by local representations received, a range of existing takeaways are present within the nearest centre, providing no justification for the provision of an additional takeaway outside of the designated centre to meet the centre's needs. Wider area considerations could also be reasonably expected to be taken into account, for example opportunities to provide the use within new developments coming forward within Ebbsfleet. The sequential test is therefore not considered to have been passed.

9.1.20 Takeaways (Class A5) also need to be in accordance with Policy DP19:2 which specifically states that 'Takeaways (Class A5) will normally be permitted only within the development plan's network of designated centres.' The proposal for takeaway use outside of designated centre is therefore contrary to this adopted development plan policy and an adequate justification would be required to overcome this, which is not considered to have been provided.

Summary

9.1.21 The proposal is considered contrary to policies DP21, DP14 and DP19 of the adopted Dartford Development Policies Plan with no material considerations that would indicate otherwise, and therefore unacceptable in principle. It is additionally noted that both of these in-principle concerns were raised with the applicant at pre-application stage and when the application was originally submitted, with further information submitted to address the concerns still considered inadequate.

9.1.22 Other relevant matters to consider for the proposal are:

- Transport Impact, Access and Parking
- Impact upon Neighbouring Amenity
- Impact upon Visual Amenity and Heritage Assets

9.2 Transport Impact, Access and Parking

9.2.1 The NPPF advocates sustainable transport methods and the use of public transport, walking and cycling as a core planning principle. The NPPF requires that new developments should mitigate their impact on the highway and public transport

networks, to ensure delivery of travel choice and sustainable opportunities for travel. Dartford Development Plan Policy DP5 also requires that unacceptable impacts on neighbouring impacts from traffic, access and parking should not be caused by development, supported by policy DP19:1 in relation to these impacts from new food and drink uses (Classes A3, A4 and A5).

9.2.2 The NPPF states that development should only be prevented or refused on transport grounds where the impacts of development are severe. Policy DP3 requires development to be appropriately located and to avoid severe impacts on road traffic congestion, air quality, safety of road users, and excessive pressure for on-street parking. Policy DP4:2(g) requires proposals to be in full accordance with the Dartford Parking Standards SPD. For Use Class A5, the Dartford Parking Standards SPD requires 1 car parking space per 10 sq. m of floorspace for customers, and 1 car parking space per 2 staff, and for 339 sq. m floorspace of the property proposed to change use would equate to 34 spaces in addition to staff parking. Even were the ground floor area (157 sq. m) of the building to be considered alone given ancillary use of the floors above, the car parking requirement would equate to 15-16 spaces in addition to staff parking. Additionally, cycle parking of 1 space per 100 sq. m floorspace for customers and 1 space per 100 sq. m floorspace for staff (total 7 cycle spaces) would be required.

9.2.3 EDC's Sustainable Travel Strategy outlines a car parking standard for the Garden City in the context for a collection of sustainable travel modes being delivered. The commercial parking in the strategy is 20% lower than the Dartford Parking Standards SPD with the cycle parking requirement being 20% higher. For a class A5 use this provides a car parking requirement of 1 space per 12 sq. m for customers and 1 space per 2.4 staff, equating to customer car parking requirement of 28 spaces for the building, or 13 spaces if the ground floor was considered alone, both in addition to staff parking. 8 cycle parking spaces would also be required.

9.2.4 The location of the application site at the signal controlled junction of High Street and A226 London Road/ Galley Hill Road gives particular concern of the impact of overspill parking from the proposed use on the free flow of traffic in this area and highway safety at this junction. This concern has also been raised both in public comments and the consultation response from DBC. The adjacent residential area of All Saints Close to the east is also sufficiently close to the application site to be impacted by indiscriminate parking owing to the proposal. The short visits likely to result from customer collections also raise issues of potential parking on the adjacent footways, and the bus layby on the A226 which is close to the proposed customer entrance, particularly during evenings when parking enforcement is less likely, and idling vehicles within an Air Quality Management Area (AQMA).

9.2.5 The application site lies within an AQMA declared at A226 London Road/ Galley Hill Road due to levels of particles and nitrogen dioxide. Dartford DPP Policy DP5 requires additional consideration to be given to potential amenity factors such as air quality, which includes development resulting in additional traffic flows to impact AQMA's. No information has been submitted with the proposal in respect of its impact upon air quality. Comments from the Environmental Health officer at DBC confirm that if the scheme was deemed acceptable that such an assessment should be secured via condition.

9.2.6 The application is supported by a Transport Note which concludes that the site location is highly accessible by non-car modes of transport and that the 8 car parking spaces proposed would be sufficient to accommodate the likely demand for parking to be generated by proposal. 60% of total trade is anticipated to be via deliveries with

the remaining 40% as customer collections, and a large proportion of the latter placed as orders in advance (thereby reducing the period of stay) with a proportion of these trips by sustainable transport means. The 8 car parking spaces are proposed to the rear of the site, which would be accessed via private land of the adjoining industrial area, outside of the red line boundary of the application and ownership of the applicant. The applicant has confirmed that 24 hour rights exist over this land however has not substantiated this with any legal documentation, which raises concern over viability of its use for customer parking as identified in comments from DBC. No cycle parking has also been proposed.

9.2.7 The Transport Note refers to 2-3 staff employed within the unit, 2-3 delivery drivers during the day and 6-8 drivers in the evening. This is consistent with the employee numbers stated in the application form of 4no. full time and 8no. part time staff (8 FTE equivalent) over the proposed opening hours of 10.30am to midnight 7 days per week, although the applicant has clarified that these are the minimum employee numbers. The Transport Note also considers that parking restrictions on the surrounding highway network would discourage any on-street parking from occurring, and that the existing use as a PH would have generated some on-street parking where only staff parking was provided at the rear.

9.2.8 Comments received from KCC Highways refer to the introduction of a Traffic Regulation Order (TRO) to increase the parking restrictions to double yellow lines and the applicant has confirmed that they would be prepared to implement this and cover the cost. A TRO would require agreement of the District Authority, Dartford Borough Council, and be subject to public consultation before could be made. The introduction of a TRO could therefore not be certain, and whether it would prevent short term parking for collection of orders in late evenings and Sundays/ Bank Holidays when less likely to be enforced is questionable. It is therefore considered that minimal weight could be placed on this approach providing satisfactory mitigation to avoid inconsiderate customer parking and, even if a TRO was successful, would raise questions over enforceability.

9.2.9 Independent advice was therefore sought from a transport consultant who reviewed the submitted transport information and suitability of the on-site parking arrangement on behalf of the EDC/ In respect of on-street parking from the existing PH use it is advised as being unsubstantiated by any evidence, and unlikely to be the case given the nature and urban location of the public house and it being primarily a drinking establishment with a localised catchment area. This view is supported from the information submitted by the PH landlord in 2016 application for a ground floor extension (ref. EDC/16/0034) that customers travelled on foot, public transport, taxis, or by using off-site public car parking that are located too far distant for the short period of stay for a takeaway collection. The takeaway use also introduces delivery services which would not be applicable to a PH.

9.2.10 The transport review carried out further swept path analysis and confirmed the practical accessibility of the 8 car parking spaces as being acceptable. However further discussions with the EDC consultant advised that a more direct route through the site to reach the customer entrance would assist the practical operation and desirability of use by customers. However with regard to the number of spaces required for the proposed use, the review identified that the submitted information provides no quantitative evidence in relation to the anticipated peak delivery / collection demand or likely parking accumulation at the site, in addition to the staff parking requirements (which would include the type of delivery vehicles to be used), from which it could be confirmed that the on-site parking provision would be suitable,

as was provided in both of the appeal cases referenced in the applicant's transport note.

9.2.11 It has therefore not been demonstrated that the proposed parking provision, which is substantially below that required by the Parking Standards SPD and the EDC Sustainable Travel Strategy, would be satisfactory to prevent negative highway safety and parking impacts arising from the proposed change of use at the property. Given the sites location on a main strategic road there is considered a high probability of the use generating trips from a wider area than simply the district centre catchment, and it has also not been demonstrated that there would not be adverse material highways impacts from the traffic generated by the use, particularly given the sensitive location of the site within an AQMA.

9.2.11 For the reasons above, the proposal is therefore considered contrary to policies DP3, DP4, DP5 and DP19 of the Dartford Development Policies Plan. It is noted that concerns over parking provision were raised both at pre-application when the application was submitted, with the applicant being given the opportunity to address these.

9.3 Impact upon Neighbouring Amenity

9.3.1 Dartford Development Policies Plan Policy DP5 requires proposals to be acceptable with regard to impact on neighbours the environment and public health. Policy DP19 requires specifically for new food and drink uses (Classes A3, A4 and A5) to avoid adverse material impacts on; residential amenity of neighbours, and the local environment through noise, vibration and smells.

9.3.2 The site lies in close proximity to residential properties to the north and east, and commercial uses to the north, west, and south. Local amenity impacts considered to arise from the proposal are those of odour, anti-social behaviour and littering, noise and disturbance, with the majority of these impacts have been reflected in public comments received for the application. Local amenity aspects from traffic, access and parking has been considered in section 9.2 of this report.

Odour

9.3.3 Pre-application advice was sought by the applicant for a similar proposal of an unrestricted Class A5 use, which would allow for a range of takeaway types. To address local amenity concerns the proposal in this application is restricted to a pizza takeaway which is generally regarded as having lesser impacts in respect of cooking odours than other takeaway uses due to the means of cooking that takes place. The applicant has additionally confirmed that all side orders are oven cooked and would agree to a condition preventing shallow fat frying. It is considered that, were the application recommended for approval, that the impact of cooking smells could satisfactorily be addressed through planning condition for this as well as further details of the replacement ventilation and extraction systems.

Anti-Social Behaviour and Littering

9.3.4 Use of the existing public house is largely contained within the building and enclosed seating area. Additionally the licensee has a responsibility to ensure customers do not cause nuisance to neighbours. The submitted Design and Access Statement advises the applicant would adhere to the same controls, however the proposal would involve more frequent foot traffic to and from the premises and less regulated outside of the planning system than a licensed premises. The takeaway use would

also generate customer waste in packaging being taken away, compared to the public house where food and drink is consumed within the premises and plates, glasses etc. collected by staff.

9.3.5 Opening hours are proposed from 10.30am until midnight on all days including Sundays and Bank Holidays, consistent with other pizza takeaways and similar to public house opening hours. The proposal with a restriction to a pizza takeaway makes it more practical for customers to take food home as opposed to consuming around the premises and locality, and reduces the number of customers travelling to the premises through the delivery operation and the likely impact upon neighbours. Notwithstanding this the proposal could give rise to additional anti-social behaviour and littering compared to the public house use. For the latter, the applicant has confirmed that a member of staff would litter pick three times a day around the premises and car park. It is considered these additional impacts could be mitigated through planning conditions to detail measures the applicant would take to prevent anti-social behaviour and manage should any occur and remove litter, including providing additional litter bins within the premises and forecourt.

Noise and Disturbance

9.3.6 The property is located on a busy junction with traffic noise such that daytime noise and disturbance, from customers and the ventilation and extraction system, is not considered to arise from the proposed use. Late night disturbance to nearby residents from customers entering and leaving the premises is considered could be addressed under condition for anti-social behaviour measures that the applicant would take to prevent this and manage if arose, with the likely impact similarly reduced by restriction to a pizza takeaway. The proposal would however involve use of delivery vehicles late into evening with noise from engines starting, and potential noise from car engines, doors, and radios from customers arriving in vehicles to collect food.

9.3.7 A new extract duct is proposed to the western elevation of the building, and the Design and Access Statement identifies that this would be of betterment to the existing systems. It is considered that the details of this in respect of noise impact could be satisfactorily secured through a planning condition. As considered under section 9.2, insufficient quantitative evidence of the peak parking demand for customer and staff vehicles has been provided, and the potential for overspill parking within the immediate area could also give rise to associated noise and disturbance impacts upon local residents, for example from indiscriminate parking in residential areas, car doors opening/closing, and stereos, particularly during late evening given the proposed opening hours until midnight.

Health

9.3.8 Several representations received refer to the contribution of the proposal to obesity both in children and adults and the site being on the route of children to school from the adjacent bus stop. It is noted that the development plan does not include takeaway exclusion zones of a specified distance from schools, and that The Craylands School, located nearest to the application site, lies approximately 800m distant. The Dartford Development Policies Plan identifies a network of designated centres and Policy DP19 resists further A5 Takeaway uses by requiring their location to be within designated centres, and preventing clustering of takeaways within centres. As covered in section 9.1, the proposal is considered contrary to policy DP19, with inadequate justification provided for the proposed A5 Takeaway Use

being located outside of a designated centre. This is considered to additionally address concerns with regard to health impact of the proposals.

9.4 Impact upon Visual Amenity and Heritage Assets

9.4.1 Dartford Development Policies Plan Policy DP2 requires proposals to relate to neighbouring buildings and the locality through their form, appearance and choice of materials and policy DP13 to have special regard to desirability of preserving a listed building or its setting.

9.4.2 The only external changes proposed relate to a new extract duct to the western elevation and low-level ancillary equipment on the southern elevation at ground floor. Comments from DBC refer to plant or flues being prominent in long distance views of the property with it being located on a prominent ridge. It is noted however that the site is adjoined by commercial properties and various telecommunications columns are also in close proximity.

9.4.3 The low-level ancillary equipment would be well-screened from public view at the rear, and the proposed extract duct location is discreetly sited where it is largely enclosed by the PH and adjoining commercial warehouse buildings. It would also be set back from the adjoining public highway. Nevertheless, approximately 3.5m of the duct would be visible in direct views from the northern elevation fronting the main strategic road and approximately 1m of the top of the flue from other sides. Were the application to be recommended for approval, it is considered that details of the final appearance could be secured through a planning condition (with more details of the system also required in respect of noise and odour control as discussed in section 9.3 above) to ensure it is sensitive to its surroundings.

9.4.4 The Grade II* Church of All Saints lies to the east on the opposite side of High Street. Due to the distance from the listed building and position on western elevation of the PH, where only 1m of the top part of the extract duct would potentially be visible to the east, it is not considered to impact the listed building setting.

9.4.5 Amended signage around the building would likely be required in connection with the change of use and to direct customers to the parking area at the rear. The submitted plans illustrate the locations of future proposed signage is intended to directly replace the existing PH fascia signage and therefore respectful of the existing building and these details would be subject to the Advertisement Regulations 2007.

9.5 Additional Considerations

Local Employment

9.5.1 Dartford Core Strategy Policy CS9 requires developments, commensurate with their size, to contribute to delivery of skills and promote apprenticeships and work placements within the development. The application form indicates it would create 8 full time equivalent (FTE) jobs, clarified by the applicant as a minimum number, but does not include details of employment levels for the PH use. Due to the scale of development proposed it is not considered appropriate to require provision of a Local Employment and Training Plan. The proposal would however provide a continued use for premises following closure of the public house and potential for future local job creation.

Sustainability

9.5.2 The NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. Dartford Core Strategy Policies CS23 and CS25 require all new development to demonstrate reductions in energy and water use. The floorspace changing use by the development would be under 1,000 sq. m and so not required to meet the above BREEAM standards. However the installation of modern ventilation and extraction systems, as well as any additional new equipment to facilitate the change of use, would generally entail higher standards of efficiency

Community Infrastructure Levy

9.5.3 In considering obligations to secure infrastructure improvements to offset the impact of this proposed development, it is necessary to acknowledge that Dartford Borough Council adopted a Community Infrastructure Levy (CIL) charging schedule in April 2014. CIL is a charge on development to raise and pool contributions from developers to help fund infrastructure and has replaced developer contributions for some types of infrastructure that in the past were funded through site specific s.106 Agreements. Since the proposal would not provide additional floorspace the development would not be liable to make a payment in respect of CIL.

10.0 FINANCIAL CONSIDERATIONS

10.1 Whilst this is not material to the decision, financial benefits will accrue to the area if permission is granted. The Government wishes to ensure that the decision-making process for major applications is as transparent as possible, so that local communities are more aware of the financial benefits that development can bring to their area. In this area the following benefits to the public purse accrue from development – Business Rates.

11.0 HUMAN RIGHTS

11.1 The application has been considered in the light of the Human Rights Act 1998 and it is considered that the analysis of the issues in this case, as set out in this report and recommendation below, is compatible with the Act.

12.0 PUBLIC SECTOR EQUALITY DUTY

12.1 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to –

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

12.2 It is considered that the application proposals would not conflict with objectives of the Duty.

13.0 CONCLUSIONS AND RECOMMENDATIONS

11.1 Following consideration of the information submitted within the application it is considered that insufficient evidence has been provided to satisfy local development plan policies regarding loss of the existing community facility and inappropriate location of a takeaway (Class A5) use outside of a designated centre. The principle of the development is therefore considered unacceptable.

11.2 Whilst the proposed restriction of the use to a pizza takeaway does overcome some concerns expressed at pre-application stage in respect of parking and impact upon residential amenity, the proposal has not demonstrated that sufficient car parking provision could be accommodated at the property and not result in unacceptable on-street parking adjacent to the application site; impacting transport and access conditions at the adjacent traffic-signalled junction and the surrounding area, parking within adjacent residential roads, and associated noise and disturbance impacts to residents within the immediate area.

11.3 The application is therefore recommended for refusal for the reasons outlined in the recommendation.

Case Officer	Manager
Michael Fishpool	Mark Pullin
Dated: 15th June 2020	Dated: 15th June 2020

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mr Dave Grimwood
Address: Not Available

Comment Details

Commenter Type: Neighbour
Stance: Customer made comments neither objecting to or supporting the Planning Application
Comment Reasons:
- Inadequate parking provision
- Not enough info given on application

Comment:The application form has 10 parking spaces listed as existing. Where are these spaces as they are certainly not out the front of the address?

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Nicola Whiting
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal

Comment:Parking would be an issue as it's a nightmare around here due to over development .....and do we really need yet another food establishment!!!!!

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mr Andrew Whiting
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Development too high
- General dislike of proposal
- Inadequate parking provision
- Over development

Comment:I fail to understand why EDC is able to put forward plans to develop in Swanscombe, if they wish for a restaurant, build one in Ebbsfleet.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Miss Evan Whiting
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Development too high
- General dislike of proposal
- Loss of parking
- Over development

Comment:I object the plans described.
We require no more fast food locations in the area, we have plenty of fast food restaurants in the area already, many of which are very close to the local schools, this would be no different. Many children get off/ get on at the bus stop around the corner from the, what currently is a, pub. Having more fast food is simply promoting unhealthy eating from the children.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Miss Linda Ellis
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate parking provision

Comment:There is absolutely nowhere for anyone that uses this pizza place to park and due to the location any illegal parking will cause major problems

Comments for Planning Application EDC/19/0203

Application Summary
Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details
Name: Mr Darren Grace
Address: Not Available

Comment Details
Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal

Comment:The town already has a number of takeaway and they serve pizza also. Plus the news on the main London Road and Surrounding areas would be a strain on the local environment. Also the nuisance of youths surrounding the area reflecting in more crime in our community. Plus the general look and what was once a proud town being subject to a pizza shop on the main entrance into our historic town would devalue the place and subsequent properties in the area.

Plus as this is listed for Ebbsfleet Garden City this does not correspond with Swanscombe Town and therefore if it goes ahead you should place it in their town and not ours. Why should our town be made to look cheap and nasty when we have such a cultural heritage.

Please do not allow any eateries and we would rather have another brewery or pub take over the establishment as we have only 3 pubs and a Sports Pavilion left for entertainment.

Hope this helps but in today's climate I doubt the little are ever really listened to. Please NO.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Holly Gschaider
Address: Not Available

Comment Details

Commenter Type: Neighbour
Stance: Customer made comments neither objecting to or supporting the Planning Application
Comment Reasons:
- General dislike of proposal

Comment:It's such a shame in general so have one of the remaining pubs in Swanscombe turned into a takeaway building. What would make more sense is that it could be turned into a restaurant, a gastro pub somewhere like Spring River, where residents can still go for a drink and have food. There isnt a single place in swanscombe to have a meal out.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mr Paul Chandler
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Traffic or Highways

Comment:The last thing needed in swanscombe is another takeaway with all of the extra traffic and parking

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Patricia Sandford
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Increase in traffic
- Loss of parking
- Out of keeping with character of area
- Traffic or Highways

Comment:Swanscombe doesn't need anymore take always , we have enough in the height street . It will bring the area down and have people parking along side to run in there which could cause an accident . A nice sit and eat in restaurant/pub would have been ideal as there is no where nice to eat in , in Swanscombe

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mr Chris Howell
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Conflict with local plan
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Noise nuisance

Comment:Disgusting proposal, provide more housing then yes but there is no reasonable parking there as it is and too many take aways already in the area.

It would be a disgrace to allow another take away to take the building over

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Dr stephanie chandler
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Out of keeping with character of area
- Traffic or Highways

Comment:There are enough fast food shops already in the area. The roads are congested as it is . People will be parking on the main road next. Plus we already have an obesity problem here because of the afore said fast food places.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Linda Kennedy
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Close to adjoining properties
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Noise nuisance
- Other - give details
- Traffic or Highways

Comment:We cannot see the need for another take-away in close proximity to numerous others (café, fire station café, fish & chip shop, Chinese, Indian, kebab shop, and the Co-Op selling snacks). Despite good intentions these outlets generate street rubbish as people leave the premises & walk further away. We all know that people do not stick to designated parking areas & will go for the easy option which in this case will mean causing hazards at an already busy junction. From reading the documents, it appears they intend to open 7 days a week including Bank Holidays from 10.30 a.m. to midnight. This will encourage noise & increase the potential for anti-social behaviour in the vicinity, of which we are already subject to enough. We cannot see any mention of what is intended for the upstairs accommodation which would be interesting to know. Overall, whilst sadly we are not surprised at the intended use, it will add nothing positive to the area & we oppose the opening of this establishment.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mr Rich Reeves
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Affect local ecology
- General dislike of proposal
- Increase in traffic
- Increase of pollution
- Noise nuisance
- Out of keeping with character of area
- Over development
- Traffic or Highways

Comment:Why would this even be considered as there's already enough fast food in or around the area .. you can't have a can of drink with sugar in it but you can have fatty fast food on every corner and street ... what a disgrace...

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Miss Suzanne Shepherd
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Noise nuisance

Comment:We don't need any more takeaways, in the area. More rubbish and more traffic from people picking up their orders. It's ridiculous.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Theresa Longhurst
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Affect local ecology
- General dislike of proposal
- Inadequate parking provision

Comment:Object

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Anne Woolton
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Increase of pollution

Comment:If this was a Pizza Hut the food and litter would add to the problem Swanscombe has with all the other take always that are already here if this goes ahead will the Ebbsfleet /Dartford council be paying for the extra cleaning up that would be needed. If Ebbsfleet want a Pizza Hut there is ample room for that to be built on the new Ebbsfleet Estate.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Miss Jac Lafferty
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Potentially contaminated land

Comment:We do not need another takeaway we need a community base for the local people to come and enjoy keep it as a pub, carvery, restaurant or something similar
Also there are not enough places for young people to have their own place to come together do positive things keep them off the streets work with the local community to make a difference

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Tracy Akers
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Development too high
- General dislike of proposal
- Increase in traffic
- Noise nuisance
- Over development

Comment:Enough takeaways in Swanscombe. If EDC wants a pizza place put it on that new estate. I'm fed up with EDC renaming and damaging Swanscombe!

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mr James Pettitt
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Development too high
- Over development
- Traffic or Highways

Comment:There are plenty of takeaway services available in the area and the main road passing is already busy enough without the added pressure of delivery drivers trying to park. This area needs someone who has a real community interest in bringing people together not encouraging people to sit at home and ignore the world.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Miss Charlotte Burroughs
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Affect local ecology
- Over development
- Traffic or Highways

Comment:Your development in our town is beyond ridiculous now, if you want a pizza place in your beloved 'Ebbsfleet City', go and build it there and stop ruining our area to make Ebbsfleet more prestine. This is a place many people have been brought up and call home and as a direct result of all of this development, it is no longer a nice place to be. The roads in our local area were not build to hold the mass vehicles it takes.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Maria Austen
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal

Comment:The George and Dragon pub is located at the main entrance of Swanscombe. I feel that a pizza takeaway would be an absolute eyesore. Swanscombe has many other food takeaways and doesn't require anymore.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mr Shaun Austen
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal

Comment:Swanscombe does not need another takeaway.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Donna Hopper
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Other - give details
- Traffic or Highways

Comment:Firstly, the fact that the George &Dragon is not included in the boundary of Swanscombe is ludicrous, our town council failed to highlight this when voting took with regards to boundaries being moved. I would like to know why this was accepted as conveniently the boundary goes across the road but then fails to include the George & Dragon which is one of our oldest buildings in Swanscombe or should I say Ebbsfleet now. Secondly I do not believe that we need a takeaway pizza shop in Swanscombe. We already have a Chinese, Indian, 2 cafes, kebab, southern fried chicken, plus a Fish & Chip shop in the High Street. How many more do we need? Rubbish is a problem now and will only increase on our streets, we already have volunteers clearing up the streets and I think it is wrong to take advantage of their free time when DBC will only send the street cleaners every so many weeks. Thirdly, they say it has parking facilities, it doesn't allow for many cars plus pulling out on a junction.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Charlotte Martinez
Address: Not Available

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Noise nuisance
- Out of keeping with character of area

Comment:A Pizza delivery can be done in other place .The George and Dragon is an asset of the community and should be kept as restaurant or pub or change to completely residential

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Miss H B
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Out of keeping with character of area

Comment:swanscombe does not need another takeaway. The residents are fat enough as it is.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Kate George
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal

Comment:Swanscombe and greenhithe do not need another fast food service. With the government wanting to crack down obesity, another pizza place is showing the wrong message also.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mr Carl Smith
Address: Not Available

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Out of keeping with character of area
- Strain on existing community facilities

Comment:We dont need another rubbish takeaway in our neighbourhood that promotes unhealthy foods. Think of families...why not plan it to be a destination of choice for families?
Carvery...youthclub centre...something other than another takeaway premises. Please.
Youl probably just go ahead anyways with your plans and just dismiss peoples comments as all higher authority's do.
Enjoy your christmas .
Kind regards. Carl.

Comments for Planning Application EDC/19/0203

Application Summary
Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details
Name: Ms Lisa Jones
Address: Not Available

Comment Details
Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Out of keeping with character of area

Comment:The pub that was here used to be great, another takeaway shop (and pizza at that) is the last thing needed in Swanscombe.

This building should be turned into either a pub, which is what it used to be or a restaurant.

Seeing a pizza take away as the first thing when you enter Swanscombe is not giving a good impression of the area.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mr David Simms
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Strain on existing community facilities
- Traffic or Highways

Comment:This is the last thing we need in an area already suffering from massive parking and traffic problems.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Sally White
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Affect local ecology
- General dislike of proposal
- Increase in traffic
- Noise nuisance

Comment:There are plenty of take aways in swanscombe, also this is right on a busy junction that will cause ever more congestion. We need a family friendly restaurant not another fast food place.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Miss D Constant
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Increase in traffic
- Increase of pollution
- Out of keeping with character of area
- Traffic or Highways

Comment:The George and dragon should be something beneficial to the swanscombe residents not another takeaway and not any other housing. We should be using our empty properties as a way of enchanting the communicate and making it a better place to live

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mr Anthony Laurent
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Inadequate parking provision
- Increase in traffic

Comment:This property is situated on a busy Traffic Light junction with no parking on the main road outside due to its location right on the main A road. Customers will undoubtably park outside thereby blocking the carriageway and causing chaos and possibly danger to other road users? Not a suitable location for this type of venue in my opinion.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mr Benn Turley
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Out of keeping with character of area

Comment:This as I remember has always been a pub, my and my grandparents go there every weekend for lunch to take this away from being a pub would be deverstating to the surrounding area and a mass loss of trade we should be helping and looking after these sort of places to bring trade to local towns even if you make it into a weatherspoons would be better then a takeaway

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Ms Joanne Richards
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Affect local ecology
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Loss of parking
- Noise nuisance
- Not enough info given on application
- Strain on existing community facilities

Comment:We do not need another pizza take away. There are several within a short distance. This will lead to an increase in bad parking and make the junction even more dangerous with increased traffic. There is already enough fast food outlets in the small town, they all attract noisy and unruly late night customers. This is not something we need in this town

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Ms Lesley Howes
Address: Not Available

Comment Details

Commenter Type: Councillor
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Traffic or Highways

Comment:Although the property is historically a public house the cliental has largely walked there from the local community. A delivery and take away business generates a much more frequent footfall which largely comes by motorised vehicles. Parking is inadequate in an area already blighted by inconsiderate drivers and parking is inadequately policed. The building is situated by traffic lights on a major road junction. Take aways largely generate more rubbish. Also there is no mention of alterations to the upper floors which have been residential or used for Bed and Breakfast guests.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Miss Debbie Beard
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Conflict with local plan
- Out of keeping with character of area

Comment:This property would be suitable as a family restaurant a place for the community to get together there are no restaurants in that area, there are far too many pizza restaurants in the area, we get at least three leaflets each week through our door offering delivery, plus bluewater has a couple of pizza restaurants. A carvery or restaurant would be a better use and likely to survive. Far too much competition on pizza

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mr Terry Burns
Address: Not Available

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal

Comment:A hub for the community over the years replaced by a shoddy pizza delivery outfit to which we already have 5 of locally.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Lynn Hay
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate parking provision

Comment:We really don't need another fast food premise in Swanscombe, why not ask tenants what they need , I'm sure it won't be a pizza place. More rubbish on street etc .
We need another doctors surgery.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mr Christoph Bull
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Conflict with local plan
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic

Comment:Although every building needs a purpose, I feel the George & Dragon should continue to be a public house with restaurant. Another suggestion I read was it be a greengrocers or somewhere offering healthy food. There are too many pizza outlets already-another one is not needed. The building also needs protection from over zealous and tasteless changes - and above all to avoid the disgraceful fate of the Alma pub further down the High Street. This is an iconic building by which many people know Swanscombe - keep its use to be something that can enhance the town not drown it in more saturated fat.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mr GRAHAM WOOD
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate access
- Increase in traffic
- Noise nuisance
- Strain on existing community facilities

Comment:Too many takeaways already in the areacertainly don't need another keep it asa pub already lost three from area, more housing and people in the area and only two pubs. It will become known as the takeaway town NO THANKS

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Stephanie SHEARN
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Out of keeping with character of area

Comment:I feel that a sit down restaurant like a Toby carvery would suit the area more, to promote families eating together and not sat at home in front of devices!

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Tina Blizzard
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Strain on existing community facilities

Comment:In an over populated area of takeaways and fast food restaurants do we really need another in the area promoting an unhealthy lifestyle and potential obesity. There is limited parking available at this busy junction. I hope that the council see sense and do not allow another one of our public houses be converted to a fast food chain.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Brynrtta Geay
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer made comments neither objecting to or supporting the Planning Application
Comment Reasons:
- Inadequate access
- Inadequate parking provision
- Increase in traffic

Comment:I'm concerned that there is no parking for this property and therefore will people pull up onto the pavement to run in and collect pizzas ? This would cause problems with the traffic lights right in front of property.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mr Colin Taylor
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Noise nuisance
- Out of keeping with character of area

Comment:A quick (less than 5 minutes) Internet search revealed no less than FOURTEEN Pizza Delivery outlets within a 6-mile radius. of Swanscombe.
I would have said, that with Obesity an increasing problem, the LAST thing Swanscombe needs is ANOTHER High-Fat/High Carb, low nutritional value fast-food outlet

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Caroline Hayward
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Other - give details

Comment:I feel the town's of Swanscombe, Greenhithe and Northfleet could really benefit from a nice family venue. Maybe a carvery with soft play or just a friendly family eatery, somewhere that friends and families can meet up for reasonably priced food with a relaxed atmosphere around all members of family. I don't feel that the area is in need of another pizza take away site.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Ingrid Neighbour
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Over development

Comment:Swanscombe doesn't need any more fast food outlets. There is also inadequate parking in the area and it could encourage anti-social behaviour. If Ebbsfleet wants a pizza takeaway then one should be build there rather than in Swanscombe. The George and Dragon is an iconic building and should be retained as a village pub or restaurant.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Pauline Parkins
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Loss of privacy

Comment:We do not need another fast food place in the area. It was a lovely pub. Perhaps it could be used as a walk in centre for medical care. With the amount of new houses being built in the area the chances of getting a doctors appt quickly are almost nil.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mr Josh Luck
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer made comments in support of the Planning Application
Comment Reasons:
- Traffic or Highways

Comment:I support this proposal as Swanscombe does not have a recognised pizza branch so would be handy to have, and hopefully may provide jobs for LOCAL residents! My only concern is I hope it doesn't affect traffic, as it's on a corner with traffic lights!

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Miss Elizabeth Anderson
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Out of keeping with character of area
- Residential Amenity

Comment:More effort should be made to seek a buyer for the pub, or to offer it to a brewery. We are seeing reducing numbers of pubs. We are seeing ever growing numbers of cheap takeaways. Pubs are the centre of their community. Pizza places are not. The EDC are building a new pub in Ebbsfleet whilst removing a pub in Swanscombe, where a different pub has only recently been demolished. I would urge the EDC to retain this as a pub, and use their position and influence to engage with breweries to see this brought back to life as the popular community hub it was a few months ago.

Comments for Planning Application EDC/19/0203

Application Summary
Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details
Name: Mrs Emma Ben Moussa
Address: Not Available

Comment Details
Commenter Type: Councillor
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Increase in traffic
- Out of keeping with character of area

Comment:On behalf of Swanscombe Ward I am objecting to this proposal on the following grounds.

The George and the Dragon was a much loved historic part of our community and the general opinion is it would be nice to keep it as a community place or a public house as it was, or a sit down (healthy restaurant).

The objection to the pizza take away is as follows- we currently have 14 pizza outlets in a 6 mile radius. Our high street currently has a fish and chips, Chinese, kebab and pizza takeaway and 2 minutes up the road an Indian and another kebab takeaway. We have more than enough takeaways here and it was our belief that EDC is promoting a healthy lifestyle, surely that shouldn't including opening more takeaways.

The London road is often stuck in gridlock, residents are worried this will bring more pressure to Swanscombe's roads. They don't want the entrance of our town to be a takeaway, its a beautiful building and we like it to remain as something Swanscombe can be proud of.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Helen Hawkes
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Increase of pollution
- Out of keeping with character of area
- Over development

Comment:We have enough fast food places in this area. Due to the heritage of the building it would be really nice to see it open as a pub again. I have some lovely memories when I use to drink in there.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Alison Holden - Thandi
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal

Comment:we have already lost a pub in Swanscombe - to loose another especially one like the george and dragon would be an absolute travesty! i live in gravesend but regularly went to the george and dragon as it had such a wonderful community spirit!
i am gutted its currently closed but any new owners should be made to keep it open as a pub! it was always busy with many regulars. pubs are needed not more takeaway places that just leads to more traffic and litter in the area!! especially with new houses that are going up in place of the other pub that was removed from the community.
swanscombe really doesn't need anymore takeaway outlets it need proper traditional pubs!

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use of the existing ground floor and basement from A4 (Public House) to Pizza delivery and Takeaway (restricted A5 use).
Case Officer: Michael Fishpool

Customer Details

Name: Mr Mick Thandi
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Strain on existing community facilities

Comment:a loss of a long standing community pub after the loss of the Alma is really shocking. To be replaced by a takeaway pizza is ridiculous given the amount already in the area. Given the Ebbsfleet village and Theme park developments which will add thousands of residents and visitors to the area, surely a local pub with character is beneficial to the long term within the community. Also in my experience of living in SE London i have seen a number of pubs disappear , planning consent for flats rejected, the pub turned into a takeaway , which shuts after a year. The premises then left empty for a year and then all of sudden turned into flats. i have used the pub for years and would be mortified to see it not retained as a pub.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Tracy Griggs
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Development too high
- Increase in traffic
- Increase of pollution
- Noise nuisance
- Out of keeping with character of area
- Over development

Comment:This pub is over 100 years old changing it to a pizza takeaway would be an insult to the history of the building

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Shannon Delahunty
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Increase in traffic
- Increase of pollution
- Loss of parking
- Noise nuisance

Comment:Do not think it is a good idea as parking is a big issue at the end of swanscombe and the late opening hours will also inpact people living near

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Jeff Halls
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Other - give details

Comment:We have more than enough takeaways in the area at the moment.The rubbish generated by the current takeaways is far to much as it is.Rubbish from as far away as Macdonald's down the hill blights the area.Enough is enough...

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Miss Evan Whiting
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Development too high
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Noise nuisance
- Out of keeping with character of area
- Over development

Comment:Object plans, unwanted business by the community.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Tracy Akers
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Affect local ecology
- Development too high
- Increase in traffic
- Increase of pollution
- Noise nuisance
- Other - give details
- Over development
- Traffic or Highways

Comment:The rubbishe that is always left around these outlets and the fact that DBC does not spend enough time and effort maintaining Swanscombe as it is!

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Suzanne Suzanne Saward
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Out of keeping with character of area

Comment:We have had too many local buildings changed in the past! We in Swanscombe are loosing our identity! We already have enough take aways in our area! Let us keep our old buildings!
We have lost: Middle House, Bottom House, Blue Anchor, The Alma, Morning Star!!
All these buildings needed saving, but we're demolished for housing! NO MORE!!!

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Karrie Blaskett
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Increase in traffic
- Noise nuisance
- Out of keeping with character of area

Comment:This area still needs a good pub, The George and the Dragon closing has definitely affected the community.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Paul Bright
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Noise nuisance
- Strain on existing community facilities

Comment:An unessecary development of an otherwise successful public house. It doesn't by any means enhance or improve the area

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr John Stevens
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Out of keeping with character of area

Comment:Poor access as it is on a junction off 2 busey roads when it was a pub people mostly walked there. where is all the parking going to be for this and what about all the smell from the stack I also feel that this will not fit into the area

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Darren Riley
Address: Not Available

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Loss of parking
- Out of keeping with character of area
- Traffic or Highways

Comment:The parking around this part of swanscombe is dangerous as it is, of this was allowed then parking will get worse, we have local outlets that accommodate swanscombe already and having yet another fast food outlet will in my opinion
Be detrimental to our town.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Helen Hawkes
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Increase in traffic
- Out of keeping with character of area
- Over development

Comment:We don't need another fast food chain on our doorstep we have enough in the area. The mess and traffic this would cause will be ridiculous.
This should remain a pub and keep with it's heritage. We have already lost enough pubs in our village and now another one wants to be taken away.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Terence beddow
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Close to adjoining properties
- General dislike of proposal
- Increase in traffic

Comment:there are already so Many fast food/ takeaways in this village that half of the commercial propertys are already taken up with this type off supply and demand we/ the village do not need another one

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Glenn Gardner
Address: Not Available

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal

Comment:I object to the plan, don't feel the need for another food outlet, our Community has lost a local meeting point and a landmark

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Debra Goodison
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:We do not need another take away plus it will cause issues with traffic and noise

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Paul Chandler
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Noise nuisance
- Traffic or Highways

Comment:There are currently more than enough takeaway s in the local area.
Also this is located adjacent to a main t junction onto a major road

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Peter Atkins
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:

- Affect local ecology
- Close to adjoining properties
- Conflict with local plan
- Development too high
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Inadequate public transport provisions
- Increase in traffic

Comment:The pub should be turned into something for the kids in swanscombe, for an example a youth club, obviously security would be a must, to stop drugs etc. There are too many fast food places. People go on obesity yet they keep opening fast food places. Mind you it depends on the council can be bribed.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Peter Atkins
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:What we need in the area is a driving test centre.
We haven't had one since Gravesend shut down over ten years ago. It would be beneficial to swanscombe as well surrounding areas, Dartford, Greenhithe, Gravesend,

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr David Mckean
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Noise nuisance
- Other - give details

Comment:Not suitable on a corner of a junction people will be stopping in the bus stop and dropping of litter in the local area

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Ms Lorna Roberts
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Over development
- Traffic or Highways

Comment:Last thing swanscombe needs. We have already have several takeaway outlets. This would add more to obesity in a deprived area. We need something that will add to community cohesion.
Saftey at that point on London Road is a concern as parked cars would lead to blind spots at the lights.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Lynn Hay
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Noise nuisance
- Out of keeping with character of area
- Residential Amenity
- Strain on existing community facilities

Comment:We already have a number of take aways in Swanscombe ,we don't need another . On this corner where the property is ,is a very busy road which could cause problems with traffic plus where are people going to park as the adjoining car park is very small.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Patricia Sandford
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Close to adjoining properties
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Noise nuisance
- Out of keeping with character of area

Comment:We have enough take away shops in Swanscombe. Should be used as a pub again .

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Thomas Brown
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Traffic or Highways

Comment:The corner by the pub leads to high street and a rail way station limited visibility and tight corner already makes that turning dangerous and if you were to add into the mix people parking up and delivery drivers around the area also close to a high volume bus stop I feel t would be inevitable for an increase in acidients in that area

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Richard Stevens
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate access
- Increase in traffic
- Out of keeping with character of area

Comment:The George & Dragon property should remain as a Pub. It has a lot of history and is part of the local community. We have too many fast food chains and a dwindling amount of traditional pubs in the local area.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Darren Grace
Address: Not Available

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Loss of privacy
- Noise nuisance
- Other - give details
- Out of keeping with character of area
- Potentially contaminated land
- Traffic or Highways

Comment:Already this town has enough take aways that cater to the needs of the town. Putting a pizza place on the corner of a busy main road will cause chaos for us local residents and ensure the environment will be ruined in the surrounding area. Personally I've been proud of where I've grown up and do not want to see it ruined by a cheap pizza place that will destroy the character and history of one the building that has memories for many and if anything we'd wish a pub to be back there. Please do not destroy our town to make quick backhanded or money. End of the day it will be hell to live in Swanscombe once you do.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Miss Verenelli Dempster
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Development too high
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Out of keeping with character of area
- Traffic or Highways

Comment:We have enough fast food outlets

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr John Hopper
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Increase of pollution
- Noise nuisance

Comment:Swanscombe does not need a pizza takeaway restaurant. The litter in the high st is bad enough with out a pizza restaurant.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Joanne Grant
Address: Not Available

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:

- Affect local ecology
- Close to adjoining properties
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Loss of privacy
- Noise nuisance
- Traffic or Highways

Comment:A pizza place at this location would cause no end of aggravation to the local residents. There will be increased traffic of which Swanscombe cannot cope with the current levels. There are already options available for take away/delivered pizzas, another fast food business would encourage more rubbish, antisocial behaviours by visitors to the site, increased noise levels, light disturbance. I don't think it would be good for the local area and I note that there are already shops spaces available at nearby new build estates that are probably more suitable.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Pauline Parkins
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Out of keeping with character of area

Comment:We have enough take away shops in Swanscombe. Certainly don't need another one. It will cause more traffic congestion in the area and no doubt lots of extra rubbish.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Emma Ben Moussa
Address: Not Available

Comment Details

Commenter Type: Councillor
Stance: Customer objects to the Planning Application
Comment Reasons:
- Increase in traffic
- Traffic or Highways

Comment:I previously objected to this application and will do so again for the following reason. Swanscombe has multiple take always already and the surrounding area has an abundance of pizza takeaways except maybe ebbsfleet itself. Ebbsfleet vision is to be a healthy town and this contradicts that although Swanscombe is not in Ebbsfleet it would be nice to see the same emphasise on a healthier lifestyle given to us too.
The road is traffic heavy and we often have cars queuing up the high street with particularly dangerous parking around coop site, any additional traffic will make this more dangerous and EDC have kindly being trying to help us make it safer.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr David Parker
Address: Not Available

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate parking provision
- Out of keeping with character of area

Comment:Swanscombe has 4 or so entrances and this development is one of them. There currently stands a smart building opposite a church. Please do not allow it to be replaced with another fast food vendor. The high street alone has fish and chips, kebab, indian and chinese amongst others and this will further bring down the appearance of the town. Parking will be an issue. I live in the close opposite and know straight away that this will be the only available parking for customers of the pizza shop. There is a main road and traffic lights outside so they will not be able to stop anywhere other than in our close which is already grossly over full with cars parking illegally for the train station. The noise, appearence, disturbance of parking availability and general idea is very unappealing for a long standing resident of this town. Please do not allow this to happen.

Comments for Planning Application EDC/19/0203

Application Summary
Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details
Name: Mrs Alison Holden
Address: Not Available

Comment Details
Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Conflict with local plan
- General dislike of proposal
- Increase in traffic
- Other - give details
- Over development
- Traffic or Highways

Comment:so many reason and levels why this would be an absolute joke if this goes through!

the council already allowed one pub to be shut and turned into flat they cant allow another one to be turned into a pizza place thats not even a 100m from the one that closed!

locals need to have a selection of amenities - there are takeaway and food places galore but not enough pubs! bluewater is just down there road and many places already doing pizza delivery in this are so its not something that is needed in the area.

this pub is an iconic pub and was always busy and needs to stay as is!

to have it as a takeaway would increase traffic in an already congested area and rubbish would increase!

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Jeff Halls
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Other - give details
- Traffic or Highways

Comment:Their are already 5 takeaway food outlets in the area and so another outlet is not required. The extra traffic in a small town like Swanscombe will be horrendous,creating more pollution and danger to school children waiting to board buses next to outlet. My other big concern is the rubbish this will generate in the area. At this moment in time we have enough problems with rubbish from Mcdonalds which is over a mile away plus the local places already selling food. .Regards Jeff Halls.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Peter Corr
Address: Not Available

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- Close to adjoining properties
- Inadequate parking provision
- Increase of pollution
- Noise nuisance
- Traffic or Highways

Comment:Insufficient provision appears to have been made for customer parking spaces, which will put further pressure upon the adjacent road and private car parking spaces, resulting in an increase in vehicular emissions and noise pollution and a possible increased risk of accidents. The proposal does not appear to take existing traffic problems, such as HGVs turning, into account, particularly as the proposed site is adjacent to an industrial estate. Logic would also dictate that the current and severe litter problems encountered within the area will be further exacerbated by the opening of yet another fast food outlet. Last, but by no means least a westerly wind may be expected to direct all cooking aromas directly onto and into the neighbouring dwellings.

Comments for Planning Application EDC/19/0203

Application Summary
Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details
Name: Mr Mick thandi
Address: Not Available

Comment Details
Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal

Comment:do we really need another pizza takeaway rather than a traditional pub? there has been enough closures of pubs in the area , surely the council, especially with covid-19, should be looking to keep this wonderful pub open at all costs , a real community pub which attracts visitors from other areas as well.

How long before this takeaway closes and planning permission is granted for flats? If you do give the pizza takeaway the green light you must stipulate that it cannot be turned into residential space for at least 10 years.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Anna Lyons
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Conflict with local plan
- Development too high
- General dislike of proposal

Comment:There are already so many take seats in swanscombe so so many places being knocked down to build MORE flats! It's ridiculous now all the pubs will all be shut down soon these things may be small to many but these things are what makes our villiage great!

Comments for Planning Application EDC/19/0203

Application Summary
Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details
Name: Mr Michael Norman
Address: Not Available

Comment Details
Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Residential Amenity

Comment:I emphatically oppose this application. There are plenty of takeaway facilities, including pizza, within walking distance of this pub.

It would be a terrible shame for the residents of Swanscombe to lose yet another pub. So many have disappeared in recent years. There is only one remaining in the town centre currently and in my experience it is not the most welcoming or salubrious of establishments!

Swanscombe is in desperate need of a welcoming family-oriented pub run on the same lines as previously under the last owners of The George & Dragon, Bob and Bron Veal. There is no reason why this ideal should not be achieved once the Covid-19 pandemic has passed, and it would surely be inappropriate to consign this valuable community asset to history at this time.

Far too many pubs in Kent have disappeared thanks to unscrupulous, predatory speculators and I ask Ebbsfleet Development Corporation to reject this application and do everything they can to ensure that it remains a pub.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Miss Melanie Bond
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal

Comment:we have enough takeaways in the are this will only create more traffic , pollution in the area as well as no doubt more litter. We really dont need another pizza outlet locally

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Miss Verenelli Dempster
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:

- Affect local ecology
- Development too high
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Out of keeping with character of area
- Over development

Comment:We have lost all but 3 of our Public Houses. It is quite frankly an insult to those of us who have lived and worked in the area for all our lives. Another takeaway is not wanted and neither is it needed. The high street has enough takeaways and the surrounding areas have pizza establishments who deliver. The rubbish and traffic is already a strain on the area.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Susan Reilly
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution

Comment:Swanscombe already has 5 establishments selling food, one of which includes pizza. It is located close to Bluewater which has numerous food establishments. There is no requirement for an additional restaurant/ takeaway in this small village.
It is located on the junction to the main road and will cause further traffic congestion, additional to that already experienced frequently due to Bluewater and A2/M25 traffic short cutting every time there is congestion.
This will also create additional litter in an area which is already experiencing an appalling refuse collection service which causes bin overflow most weeks.
This pub needs protecting and remaining as a public house, we have already seen several disappear, turned into housing developments, the Wheatsheaf is under threat of developers and the Sun unlikely to recover from Covid 19 impacts & current building condition leaving this as one of only two public houses remaining.
Stop destroying our village!!!!!

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Charlotte Martinez
Address: Not Available

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Increase of pollution
- Noise nuisance

Comment:Detrimental for the neighborhood

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Miss Paige Prescott
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Out of keeping with character of area

Comment:Do we really need another pizza takeaway?!

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs L Kennedy
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate parking provision
- Increase in traffic
- Noise nuisance
- Other - give details
- Traffic or Highways

Comment:We cannot see the need for another take-away in close proximity to numerous others (café, fire station café, fish & chip shop, Chinese, Indian, kebab shop, and the Co-Op selling snacks). These outlets always generate street rubbish as people leave & walk further away. We all know that people do not stick to designated parking areas & will go for the easy option which in this case will mean causing hazards at an already busy junction. It is inevitable that there will be a noise nuisance from visitors, cars and whatever delivery bikes are utilised until late in the evenings. It will increase the potential for anti-social behaviour in the vicinity, of which we are already subject to enough. We cannot see any mention of what is intended for the upstairs accommodation (sold/tenant/rented rooms?) which would be interesting to know. Overall, whilst sadly we are not surprised at the intended use, it will add nothing positive and will only have a negative impact on the area generally.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Sandra Buchanan
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Increase in traffic

Comment:We have no need of a takeaway

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Carrie Runham
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Increase in traffic
- Noise nuisance
- Out of keeping with character of area

Comment:In swanscombe we have many many take away a and another is not needed, with various public houses closed recently it should be kept as a public house. The extra traffic will be a nightmare especially if Paramount goes ahead.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Miss Joanne English
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Other - give details

Comment:There is a takeaway on every corner, we don't need any more!! Takeaways, nail bars, and box-room flats and housing developments do not need to be crammed into every available nook and cranny! Far too many takeaways in the area already, absolutely ridiculous!

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Mark Easter
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- Conflict with local plan
- Development too high
- Increase in traffic
- Increase of pollution
- Out of keeping with character of area
- Over development
- Residential Amenity
- Strain on existing community facilities
- Traffic or Highways

Comment:Another takeaway not needed, litter, traffic. What happened to community

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Shaun Gardiner
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal

Comment:Public Houses are integral places to maintain community spirit and can be a hub for positivity and events in a local area. Not to mention being steeped in history. It would be devastating for the local area for this pub to be turned into a food delivery outlet. We live in an area where any cuisine can already be delivered to us. Lets bot lose an integral part of our community for yet another.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs louise louise Davies
Address: Not Available

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- Increase in traffic
- Increase of pollution
- Noise nuisance

Comment:We already have enough fast food places in Swanscombe it don't need another. Not only will it create more traffic, it was create more rubbish and pollution. I do not want a pizza place made out of one of Swanscombe's historic buildings.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Emma Addison
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal

Comment:I lived in swanscombe and the george and dragon was a lovely place to go. I would be devastated to see it turned into a takeaway. Theres more than enough takeaways about. Leave this beautiful building to become something where the residents will be proud to have it within their community, as they were when it was a beautiful pub. I believe turning this into a takeaway will upset many people in the area.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Miss Rachel Colyer
Address: Not Available

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
Comment:We don't need another fast food shop. We need a few pubs left all been knocked down , flats, houses or rubbish food joints

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Miss Claire Morgan
Address: Not Available

Comment Details

Commenter Type: Member of the Public
Stance: Customer objects to the Planning Application
Comment Reasons:
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Inadequate public transport provisions
- Increase in traffic
- Increase of pollution
- Noise nuisance
- Out of keeping with character of area
- Traffic or Highways

Comment:This will cause and increase in traffic at a busy junction, extra rubbish and generally make the area look tacky and cheap. Ridiculous proposal.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Laurence Terry
Address: Not Available

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Planning Application
Comment Reasons:
- Close to adjoining properties
- Development too high
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Loss of privacy
- Noise nuisance
- Other - give details
- Out of keeping with character of area
- Traffic or Highways

Comment:1. Inapropriate for this area, there are enough fast food outlets in Sweanscombe already, we do not need yet another.
2. There will be a litter problem, that is already bad enough.
3. There will be bad cooking smells wafting over adjoining residential areas.
4. The car parking on this corner would lead to considerable problems due to the outlet users parking on the High Street, London Road, and All Saints Close, and the bus stops on London Road, it is alread bad enough with rail commuters parking here.
5. There will be an increase in pollution.
6. There will be a noise nuisance.
7. There are only negative impacts if this proposal is approved, there are no positive outcomes.
8. 8 carpark spaces are inadeqate, parking will overspill in to the adjoining neighbourhood, as pointed out above.

9. There will be an increase in traffic on an already busy road corner.
10 Road safety will be compromised on this very busy corner / road junction.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mr Peter Harman
Address: Not Available

Comment Details

Commenter Type: Councillor
Stance: Customer objects to the Planning Application
Comment Reasons:

- Close to adjoining properties
- Conflict with local plan
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Loss of parking
- Noise nuisance
- Out of keeping with character of area
- Residential Amenity
- Traffic or Highways

Comment:Insufficient provision appears to have been made for customer parking spaces, which will put further pressure upon the adjacent road and private car parking spaces, resulting in an increase in vehicular emissions and noise pollution and a possible increased risk of accidents. The proposal does not appear to take existing traffic problems, such as HGVs turning, into account, particularly as the proposed site is adjacent to an industrial estate. Logic would also dictate that the current and severe litter problems encountered within the area will be further exacerbated by the opening of yet another fast food outlet. The Ebbsfleet Garden City vision is to be a healthy town; and this planning application contradicts that aspiration for a healthier lifestyle.

Comments for Planning Application EDC/19/0203

Application Summary

Application Number: EDC/19/0203
Address: The George And Dragon London Road Swanscombe Kent DA10 0LQ
Proposal: Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.
Case Officer: Michael Fishpool

Customer Details

Name: Mrs Anita Barham
Address: Not Available

Comment Details

Commenter Type: Councillor
Stance: Customer objects to the Planning Application
Comment Reasons:

- Conflict with local plan
- General dislike of proposal
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Increase of pollution
- Loss of parking
- Loss of privacy
- Noise nuisance
- Out of keeping with character of area
- Over development
- Residential Amenity
- Traffic or Highways

Comment:Insufficient provision appears to have been made for customer parking spaces, which will put further pressure upon the adjacent road and private car parking spaces, resulting in an increase in vehicular emissions and noise pollution and a possible increased risk of accidents. The proposal does not appear to take existing traffic problems, such as HGVs turning, into account, particularly as the proposed site is adjacent to an industrial estate. Logic would also dictate that the current and severe litter problems encountered within the area will be further exacerbated by the opening of yet another fast food outlet. The Ebbsfleet Garden City vision is to be a healthy town; and this planning application contradicts that aspiration for a healthier lifestyle.

15 July 2019

Our ref: EDC/19/0100
Case Officer: Michael Fishpool
Direct Dial:
Email: [redacted]

Planning Team
Ebbsfleet Development Corporation
The Observatory
Castle Hill Drive
Castle Hill, Ebbsfleet
Kent, DA10 1EE

T: 0303 444 8832
[redacted]
W: www.ebbsfleetdc.org.uk

Mr S Bowman
Cook Associates Design Studio LLP
Capital House
3 Jubilee Way
Faversham
Kent
ME13 8GD

Sent by e-mail only to:
Copied to: [redacted]

Dear Mr Bowman,

RE: PRE-APPLICATION ADVICE

Proposal: Pre-Application enquiry relating to change of use from A4 (Drinking Establishments) to A5 (Hot Food Takeaways)

Site Address: The George and Dragon Public House, London, Road, Swanscombe, Kent, DA10 0LQ

Thank you for your email of 30 May 2019 enclosing Pre-Application Advice Request Form and Pre-Application Document (May 2019) regarding the above proposal. Further clarification was also provided in your email of 02 July 2019.

The purpose of this pre-application response is to advise whether the proposal is in accordance with local and national planning policy at an initial stage and therefore whether it is likely to be granted planning permission. This response has not been subject to formal consultation with external organisations or other statutory consultees and so additional issues may therefore be raised at an application stage. The assessment below indicates if the development is generally compliant with planning policy with additional comments provided where appropriate.

Proposal

The proposal would involve change of use of the ground floor and basement of the site, The George and Dragon Public House (Use Class A4), to a hot food takeaway (Use Class A5). No change of use is proposed to the first and second floors of the building which are currently used for staff/ guest accommodation ancillary to the current primary use as a public house. Additionally no changes to the external appearance of the building or site are proposed as part of this pre-application request, though your pre-application document notes that new extraction vents and flue would be installed in connection with the proposed change of use.

Site History and Background

The site is located at the junction of High Street and London Road and the building fronts onto London Road with entrance door accessed from the side of the building on High Street. The neighbouring uses consist of commercial operations to the west and south and mainly commercial with some residential apartments on the northern side of London Road. A Grade II* listed building, the Church of All Saints, lies to the east side of High Street, which has been converted to residential apartments, and further residential properties are located to the south east.

Full planning permission to extend the building was granted in 2016, however unless implemented this permission would expire on 16 September 2019. Information submitted in 2016 for the existing use of the building confirmed access being at the rear of the property for deliveries and 4no. parking spaces used primarily by the landlord, with customers travelling to the site on foot, public transport, taxi, or parking off-site in Swanscombe. The 2016 approval would retain the rear access and 4no. parking spaces for staff in a re-configured form.

Assessment of Proposal and Principal Issues

The proposed change of use from a public house to a hot food takeaway would require planning permission as it is not permitted development. Planning legislation requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan currently comprises the adopted Dartford Local Plan Core Strategy (2011) and Dartford Development Policies Plan (2017), together with Supplementary Planning Documents (SPDs) including the Dartford Parking Standards SPD (2012). In addition, the National Planning Policy Framework (2018) and Ebbsfleet Implementation Framework (2017) are material considerations in assessment of planning applications by Ebbsfleet Development Corporation (EDC).

Principle of Development

The Dartford Development Policies Plan identifies public houses which are well established by the community as being a 'Community Facility'. As the building is an established public house, any proposal for change of use would need to satisfy Policy DP21, which requires clear evidence that a) the facility is shown not to be needed by the community, and (b) that all reasonable efforts have been made to preserve a community use. A hot food takeaway is not considered by the Development Policies Plan as a community facility. In addition the National Planning Policy Framework in paragraph 92(a) refers to the provision of local shops, eg. within use class A1, therefore provides no support to the proposal being considered a community facility. Additionally paragraph 92(d) refers to established facilities being retained for the community.

The Dartford Policies Map and Development Policies Plan identify specific properties within High Street, Swanscombe as the nearest District Centre to the application site, which is separated from this in distance, and with the only pedestrian route to the centre being a narrow footway of the road bridge crossing the east-west railway. Policy DP19 states that '*Takeaways (Class A5) will normally be permitted only within the development plan's network of designated centres.*' To be acceptable in principle, a robust justification for the proposal within an edge of centre location would therefore also need to be provided.

From the information given, the proposal is considered unacceptable in principle, unless an assessment which satisfies the requirements of Policy DP21 above for loss of a community facility, and a robust justification for the proposal within an edge of centre location can be provided. Policy DP19 also requires that the proposal would need to demonstrate that it would not create material detrimental impacts upon residential amenity of neighbours, the

local environmental quality, nor highways and parking. These matters are considered further below.

Residential Amenity, Noise and Disturbance

Dartford Development Policies Plan Policy DP5 requires proposals to be acceptable with regard to impact on neighbours and the environment, and Policy DP19 to avoid adverse impacts to residential amenity, and the local environment through noise, vibration and smells. The site lies in close proximity to residential properties to the north and east, and commercial uses to the north, west, and south. Evening and night-time disturbance from customer noise and anti-social behaviour would be a concern to amenity of nearby residents. This could potentially be greater than that of the existing public house where use of the premises is largely contained within the building and enclosed seating area, and the licensee also has a greater responsibility to ensure customers do not cause nuisance to neighbours. An application would need to include details of proposed control measures to avoid these impacts upon amenity of local residents.

Noise and odour from the extraction and ventilation system could potentially impact all neighbouring uses. Your pre-application document refers to new extraction vents and flue being installed as part of the proposal, which is positive; an application would need to include details of the reduction in noise and odour for a range of hot food takeaway types.

Your email of 02 July 2019 clarified that the existing use for the first and second floors of the building as staff/guest accommodation would not change. This would need to be confirmed as part of any application through submission of existing and proposed floor plans. Due to location of the building, self-contained residential use of the first and second floors would not be considered appropriate.

Highway Impact

Dartford Development Policies Plan Policy DP3 requires development to be appropriately located and to avoid severe impacts on road traffic congestion, air quality, safety of road users, and pressure for on-street parking. The site lies within an Air Quality Management Area (AQMA) declared at London Road due to levels of particles and nitrogen dioxide. Further information is available from the following page on the Dartford Council website: https://www.dartford.gov.uk/by-category/environment-and-planning2/Environmental-Health-Homepage/pollution/air-quality

Information submitted as part of the 2016 approval indicates that the highway impact upon the surrounding area as result of the existing use, from deliveries/ servicing and travel by the landlord/ staff, would be minimal in circumstances where customers travel to the public house on foot, public transport, or parking off-site. Due to location outside of a district centre and the nature of a hot food takeaway, the potential for walking and cycling to the building for the proposed use would be limited, and off-site parking impractical for the shorter period of time that they would be at the premises. Some sustainable travel can be expected, for example by train users from Swanscombe railway station before travelling home, however travel by car would likely increase over the existing use. A site-specific Transport Statement and Travel Plan would need to be submitted with any application including a comparison of the proposed use with the existing for customers, staff, and deliveries/ servicing, and demonstrate that any increase in vehicle trips would not create a material impact upon highway safety, the free flow of traffic, or to air quality within the AQMA.

Parking

Dartford Development Policies Plan Policy DP4 requires proposals to be in compliance with the Dartford Parking Standards SPD, and for parking provision to be relevant to the

development. For Use Class A5, the Dartford Parking Standards SPD requires 1 car parking space per 2 staff, and 1 car parking space per 10 sq m of floorspace for customers.

Information submitted for the 2016 approval confirms the existing ground floor area to be approximately 157 square metres, and therefore 15no. customer parking spaces would be required in addition to staff parking. 2no. cycle spaces would also be required for staff and visitors. Whilst it is noted that the same parking requirements apply to the existing use, this use predates the SPD, whereas a future application for use of the building is required to comply with the parking standards. Additionally, off-site customer parking which is understood to serve the existing use is unlikely to be practical for a hot food takeaway where customers would expect to arrive and leave within a short period of time.

The existing single yellow line parking restrictions along High Street to the east of the site allow parking on Sundays and after 6.30pm Monday to Saturday. The proposed use would likely increase short term car parking in this location during those times and obstruct the junction with London Road. Kent County Council are the Highway Authority for the area and have advised that to prevent this obstruction, were an application for the proposed use to be submitted they would require the applicant to apply for, and cover the costs of, a Traffic Regulation Order and associated works to amend the existing parking restrictions on both sides of High Street to double yellow lines. A guidance note is enclosed for further information.

However, given the above and available parking area within the site, it is considered that the proposal does not accord with Policies DP4 and DP19 due to the absence of customer car parking and resulting adverse impact this would cause to the surrounding area. Your email of 02 July 2019 advises that customer parking spaces could be provided in the rear yard if necessary, however there does not appear to be sufficient space to accommodate the number of spaces required by the Dartford Parking Standards SPD, nor that these would be practical or convenient for the public to use.

Appearance and Sustainability

Dartford Development Policies Plan Policy DP2 requires proposals to relate to neighbouring buildings through their form, appearance and choice of materials. Dartford Core Strategy Policies CS23 and CS25 require all new development to demonstrate reductions in energy and water use. The proposal does not include external changes to the building, however details of any extraction and/or ventilation equipment should be provided to ensure these are discreetly sited and sympathetic to the building and its' surroundings. An application should also include details of any sustainability measures. It is also likely that new signage would be required, that may also require separate advertisement consent.

Community Infrastructure Levy

Dartford Borough Council adopted a Community Infrastructure Levy (CIL) charging schedule in April 2014. This is a charge on development over 100 sq m gross internal area to raise and pool contributions from developers to help fund infrastructure, such as transport improvements. Where no additional floorspace is proposed the development would not be liable for CIL, though a CIL Additional Information Form should still be included with your application to confirm this. CIL Forms and further guidance is available from Dartford Borough Council via the following link: https://www.dartford.gov.uk/by-category/environment-and-planning2/new-planning-homepage/community-infrastructure-levy

Summary

In summary, from the information provided, there are significant concerns with the proposal both in principle and in respect of material detrimental impacts to the surrounding area. Further information would be needed to address these concerns before the proposal could be considered acceptable, and we would welcome further pre-application discussions prior to an application being submitted.

Notwithstanding the above informal advice, should you wish to proceed to submission of a formal planning application, I can advise that the following documents would be required:

- Completed Application Form including Ownership Certificate (A,B,C or D as applicable) and Agricultural Land Declaration
- Site Location Plan (scale 1:1250 or 1:2500)
- Site Plan (scale 1:200 or 1:500)
- Existing and Proposed Floor Plans (scale 1:50 or 1:100)
- Existing and Proposed Elevations (scale 1:50 or 1:100)
- Existing and Proposed Roof Plan (scale 1:50 or 1:100)
- Planning Statement
- Economic Statement including:
    - Marketing Assessment to demonstrate that the building is unable to be sustained in its current use, nor be preserved as an alternative community facility.
    - Details of existing and proposed job numbers as full-time equivalents
    - Any other community benefits
- Environmental Information including:
    - Hours of Operation
    - Assessments of, and measures to mitigate and/or manage environmental impacts including noise, disturbance, vibration and odour on neighbouring properties.
- Site-Specific Transport Statement, Travel Plan and Parking/ Servicing Statement
- Community Infrastructure Levy (CIL) Additional Information Form
- Application Fee

Further information on making a planning application to EDC, including required documents, is available from the following page on our website:
http://ebbsfleetdc.org.uk/planning/planning-application/

Please note that this advice is provided on an informal basis only and without prejudice to the EDC or its Planning Committee in the future determination of any related planning application. In assessing a formal planning application, EDC would also take into consideration any comments received from consultees and neighbouring occupiers.

I trust that this informal advice is of use to you. If you wish to discuss any matters further prior to making an application, please contact me on the direct dial number or email above.

Yours sincerely

[redacted]

Michael Fishpool
Planning Officer
Ebbsfleet Development Corporation

From: Jasmin Tenic [redacted]
Sent: 12 January 2020 22:40
To: EDC Planning
Cc: A Hills
Subject: EDC/19/0203

To the planning team,

I am emailing you in reference to the above planning application notice as I wish to make representations about this change of use.

As local residents, my partner and I have grave concerns about the location being used as a pizza takeaway restaurant.

The most obvious one being the obesity crisis amongst Britain's population, particularly school children.
Has any consideration been given to the fact that this location is by a busy bus stop frequented by numerous school kids?? Or is this precisely the reason why it has been considered?!

Surely as a local authority and agency interested in the development and regeneration of this particular area you have some responsibility for the people within it. A pizza takeaway is simply going to encourage and enable poor dietary decisions on a daily basis. I see these kids at the bus stops on a daily basis and many of them are already clearly over-weight.

I have no doubt that this will also attract an element of anti-social behaviour. School kids /youths congregating in and around the restaurant, people coming back late at night drunk picking up a take away and, quite possibly it could also become victim to the likes of county lines gangs getting a foot hold into the area as a 'safe' front from which to deal drugs. Almost directly across the road from a London train line and close to local bus stops, it couldn't be better placed.

Finally, the environmental impact it will have to the local area.
Already, on a daily basis, the area is strewn with litter. It is quite disgusting. This is directly around the small green area adjacent to the George and Dragon and in Swanscombe in general. I can already envisage the numerous empty pizza boxes on the pavements and blowing across the road.

I sincerely hope these issues are taken into consideration when the final decisions are made. It is easy enough to to give the green light to things like this when it doesn't have an impact on your way of life whatsoever.

Swanscombe is in dire need of some regeneration. We, along with many of our neighbours, have noticed a 'change' in the area in the last couple of years, please consider the impact moves like this can have on the local community.

I will be interested to hear your response to the matters raised.

Best wishes,

Jasmin

[redacted]

TOWN AND COUNTRY PLANNING ACTS
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

Application: EDC/19/0203

NOTIFICATION OF REFUSAL OF PERMISSION FOR CHANGE OF USE

To: **Mr Abdul Mumtaz**
C/O Mr Fergus Sykes
First Floor
South Wing
Equinox North
Great Park Road
Almondsbury
Bristol
BS32 4QL

TAKE NOTICE that the **EBBSFLEET DEVELOPMENT CORPORATION**, the Local Planning Authority under the Town and Country Planning Acts, has **REFUSED PERMISSION** for development of land situate

at **The George And Dragon**
London Road
Swanscombe
Kent
DA10 0LQ

and being **Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.**
Your application dated 20th April 2020 is refused on the following grounds:-

1. The proposal would result in loss of a community facility for non-community purposes, contrary to policy DP21 of the Dartford Development Policies Plan July 2017. Sufficient evidence has not been provided within the application to demonstrate that the facility is shown not to be needed by the community nor that reasonable efforts have been made to preserve a community use, including exploration of appropriate solutions to retain the facility with operators/ service providers and where appropriate the local community.

2. The proposal would provide a hot food takeaway (Use Class A5) in an inappropriate location outside of a designated centre identified in the development plan, contrary to policies DP14 and DP19 of the Dartford Development Policies Plan July 2017 and paragraph 85 of the National Planning Policy Framework. Insufficient information has been provided to demonstrate that the sequential test has been met and that it would not cause harm to the long-term vitality and viability of a designated centre, nor has an adequate justification been provided for the proposed Class A5 use in a location to which development plan policy identifies as inappropriate.

3. The proposal has not demonstrated that adequate provision for customer parking could be provided at the site in addition to staff parking. This would likely result in unacceptable adverse impacts upon the transport and access conditions within the surrounding area, unacceptable increases to on-street parking, and give rise to noise and disturbance impacting residential amenity in the immediate area, contrary to policies DP3, DP4, DP5 and DP19 of the Dartford Development Policies Plan July 2017.

INFORMATIVES :-

1 Statement of Positive and Creative Approach to Decision-Making
In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 and paragraph 38 of the National Planning Policy Framework Ebbsfleet Development Corporation, as local planning authority, has approached the assessment and determination of this application in a positive and creative manner.

This has involved proactive discussions at pre-application and planning application stage to discuss the principles of the proposal and to provide additional information to support assessment of the application. The application was also determined within the relevant timescales.

Signed: Mark Pullin **Dated:** 15 June 2020

Chief Planning Officer
Ebbsfleet Development Corporation
North Kent Police Station, Thames Way, Northfleet, Kent DA11 8BD

Your attention is drawn to the notes below

~~~~~~

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.

- For **all other applications**, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within **6 months of the date of this notice**.

- **Appeals must be made using a form which you can obtain from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; telephone: 0303 444 5000; email: enquiries@pins.gsi.gov.uk or online at www.planningportal.gov.uk/pcs.**
~~~~~~

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

(a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or

(b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

(i) an application for change of use;
(ii) an application to change the number of dwellings in a building.

PURCHASE NOTICES

- If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

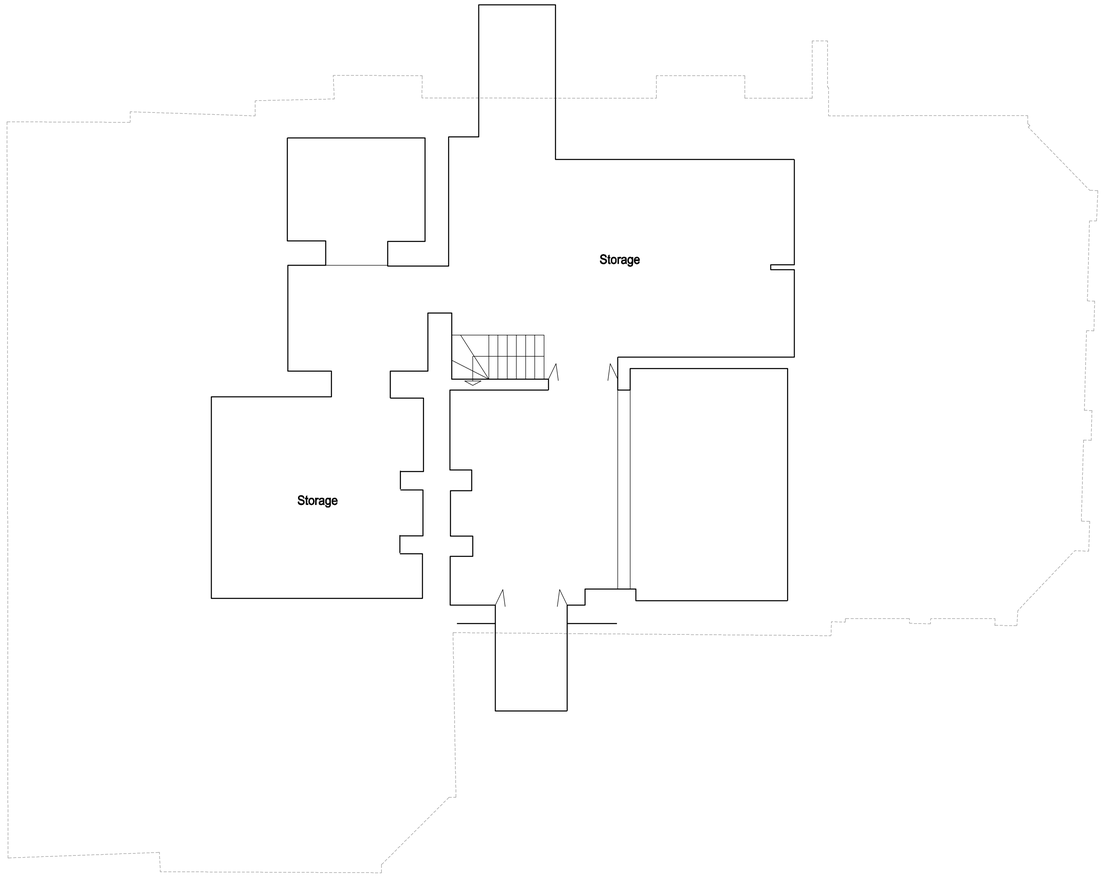
- In these circumstances, the owner may serve a purchase notice on the Ebbsfleet Development Corporation in whose area the land is situated. This notice will require the Corporation to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

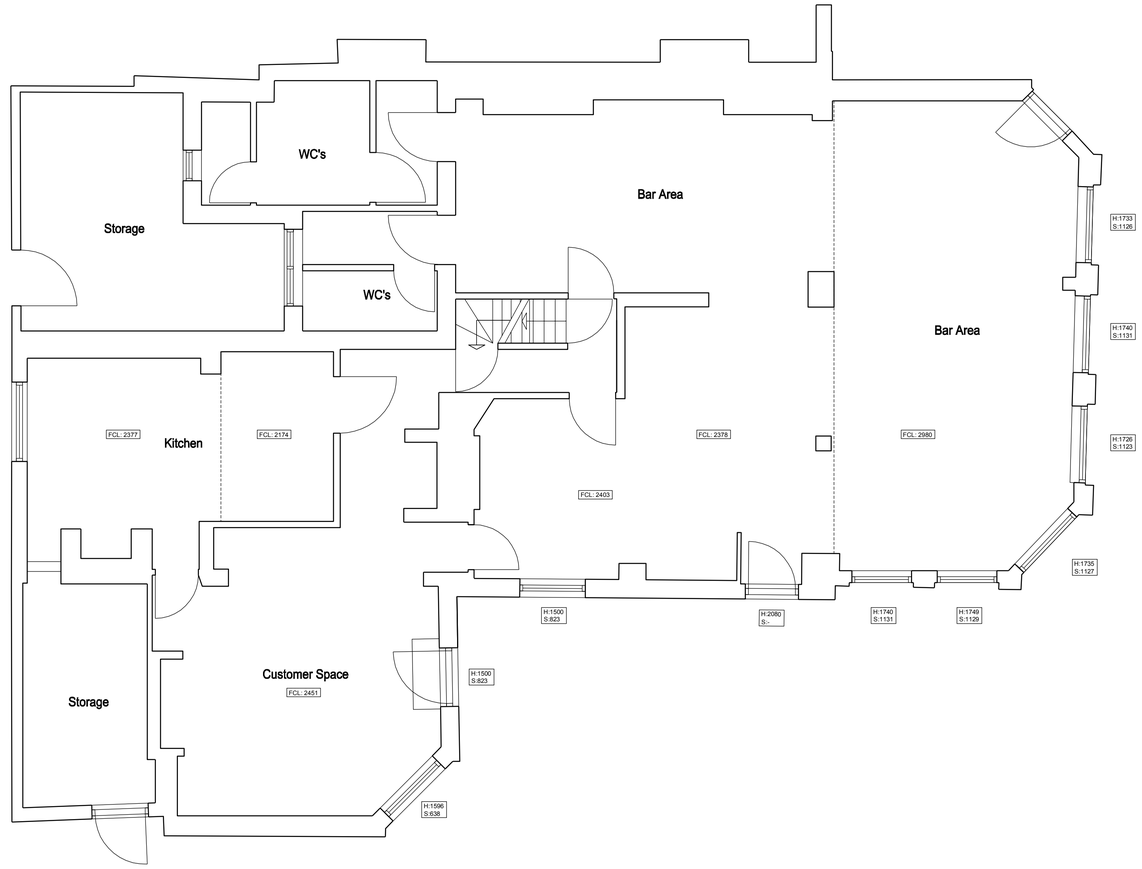
- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

- These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

F:plan/Development Control/Admin Support/Official Backing of Decision Notices 2010



Existing Basement Plan 1:50



Existing Ground Floor Plan 1:50

Existing Floor Plans 1:50

N

0m 1m 2m 3m 5m 10m

© The Copyright of this drawing remains with William Cook Associates and is not to be reproduced without written approval. Dimensions are not to be scaled from this drawing. The Contractor is to check all dimensions on site and report any discrepancies to the Contract Administrator. This drawing is to be read in conjunction with all other standard documentation. If in doubt, ASK.

Notes :

Rev.	Description	Date	By
A	Drawing updated	06.04.2020	SIB

Client :
Mr A Mumtaz

Project No :
19007

Project :
The George and Dragon Public House
London Road
Swanscombe
Kent
DA10 0LQ

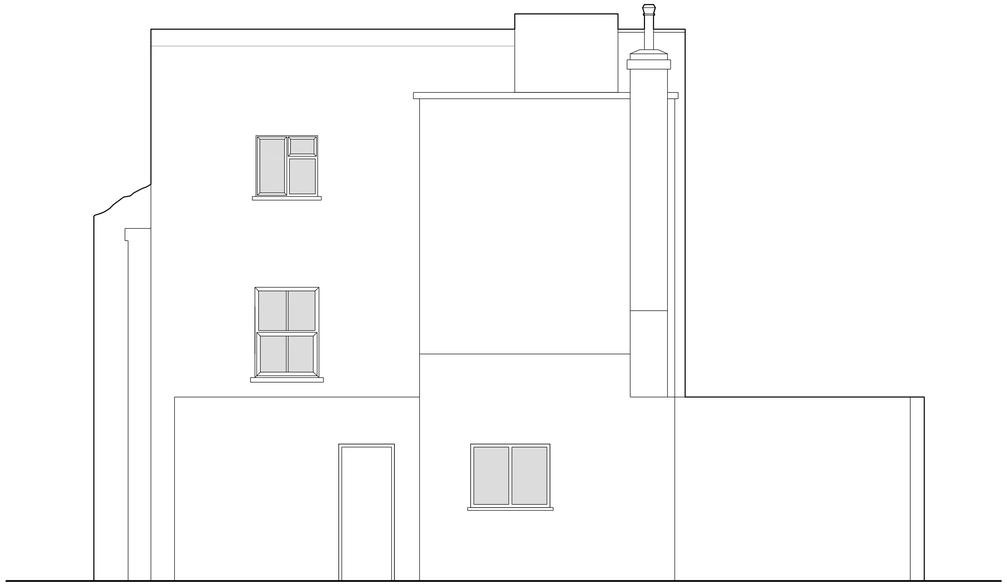
Drawing Title :
Existing Basement and Ground Floor Plans

Drawn by : LS
Checked by : SIB
Date : October 2019
Scale @ A1: 1:50
Status: PLANNING
Drawing No : 002
Rev. No : A

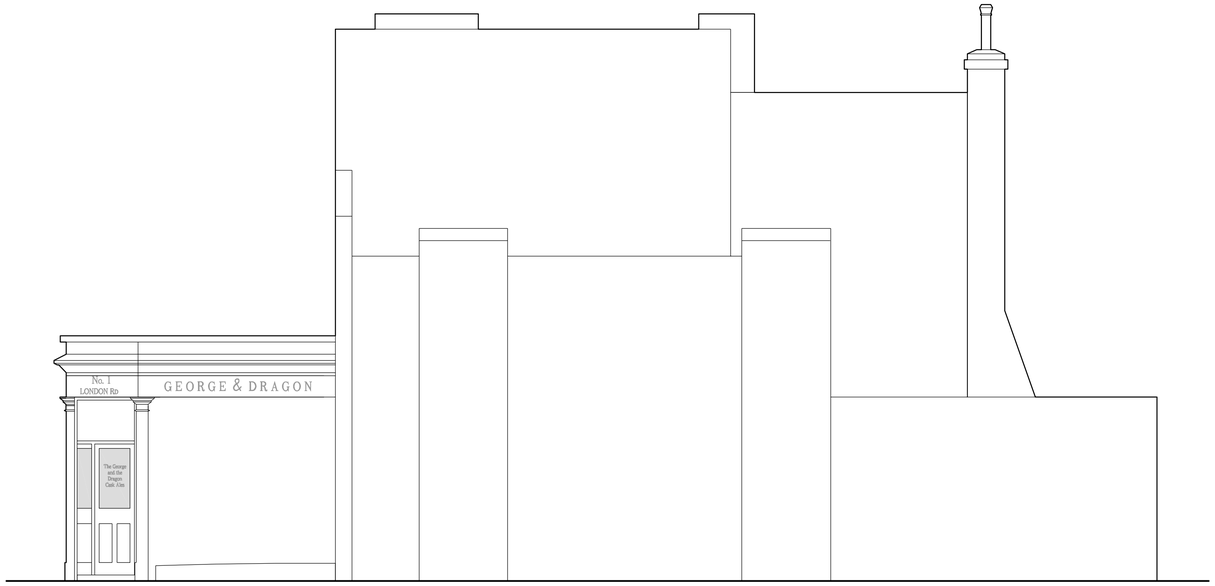
Cook Associates Architects I Engineers
Capital House, 3 Jubilee Way, Faversham, Kent, ME13 8GD
T: + 44 (0) 1795 532834 E: mail@cook-design.com W: www.cook-design.com

Existing North Elevation 1:50

Existing East Elevation 1:50



Existing South Elevation 1:50



Existing West Elevation 1:50

Existing Elevations 1:50

0m 1m 2m 3m 5m 10m

© The Copyright of this drawing remains with William Cook Associates and is not to be reproduced without written approval. Dimensions are not to be scaled from this drawing. The Contractor is to check all dimensions on site and report any discrepancies to the Contract Administrator. This drawing is to be read in conjunction with all other standard documentation. If in doubt, ASK.

Notes :

Rev.	Description	Date	By
A	Drawing updated	06.04.2020	SIB

Client :
Mr A Mumtaz

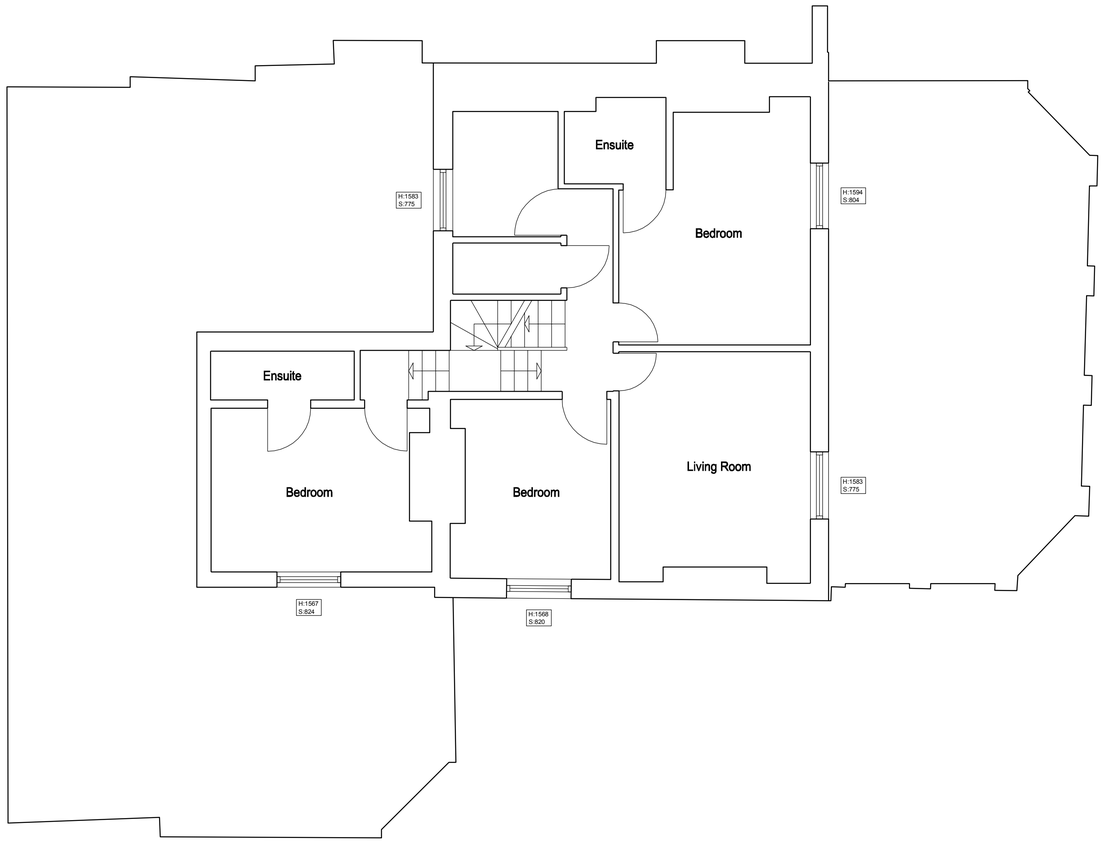
Project No :
19007

Project :
The George and Dragon Public House
London Road
Swanscombe
Kent
DA10 0LQ

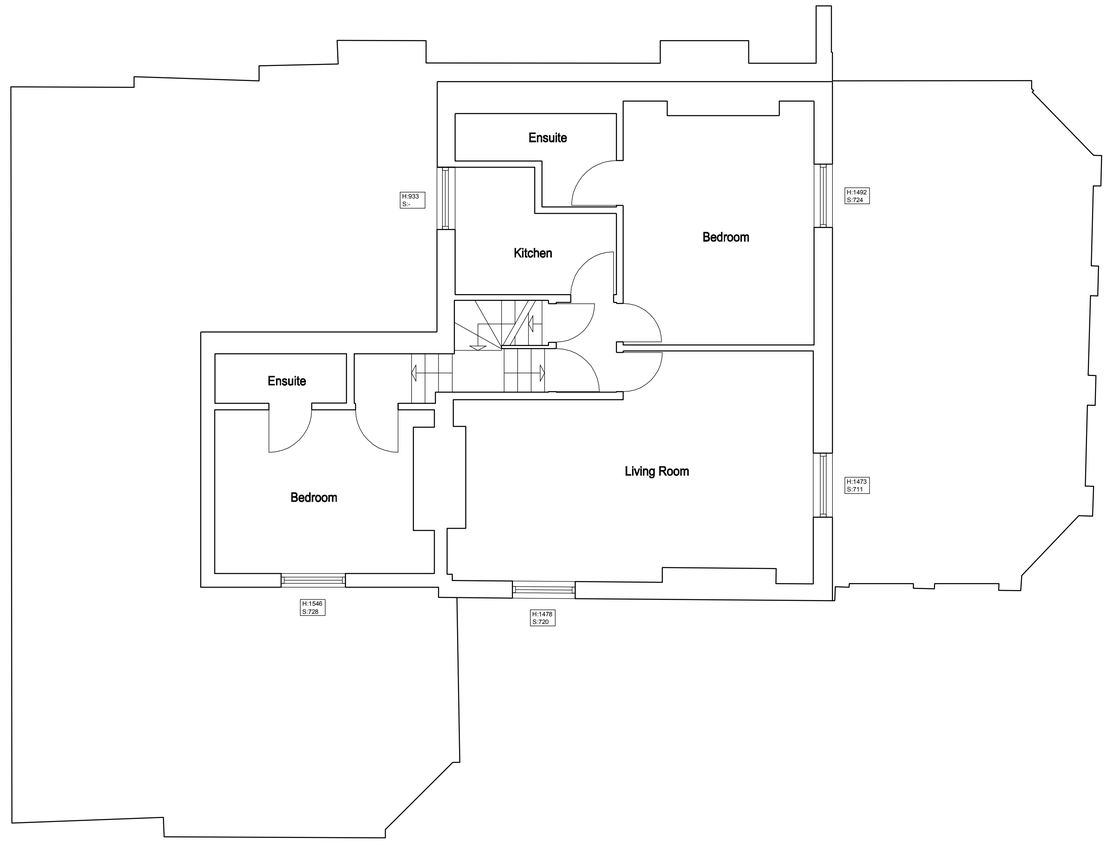
Drawing Title :
Existing Elevations

Drawn by : LS
Checked by : SIB
Date : October 2019
Scale @ A1: 1:50
Status: PLANNING
Drawing No : 004
Rev. No : A

Cook Associates Architects I Engineers
Capital House, 3 Jubilee Way, Faversham, Kent, ME13 8GD
T: + 44 (0) 1795 532834 E: mail@cook-design.com W: www.cook-design.com



Existing First Floor Plan 1:50



Existing Second Floor Plan 1:50

Existing Floor Plans 1:50

N

0m 1m 2m 3m 5m 10m

© The Copyright of this drawing remains with William Cook Associates and is not to be reproduced without written approval. Dimensions are not to be scaled from this drawing. The Contractor is to check all dimensions on site and report any discrepancies to the Contract Administrator. This drawing is to be read in conjunction with all other standard documentation, if in doubt, ASK.

Notes :

Rev.	Description	Date	By
A	Drawing updated	06.04.2020	SIB

Client :
Mr A Mumtaz

Project No :
19007

Project :
The George and Dragon Public House
London Road
Swanscombe
Kent
DA10 0LQ

Drawing Title :
Existing First and Second Floor Plans

Drawn by : LS
Checked by : SIB
Date : October 2019
Scale @ A1 : 1:50
Status: PLANNING
Drawing No : 003
Rev. No : A

Cook Associates Architects I Engineers
Capital House, 3 Jubilee Way, Faversham, Kent, ME13 8GD
T: + 44 (0) 1795 532834 E: mail@cook-design.com W: www.cook-design.com

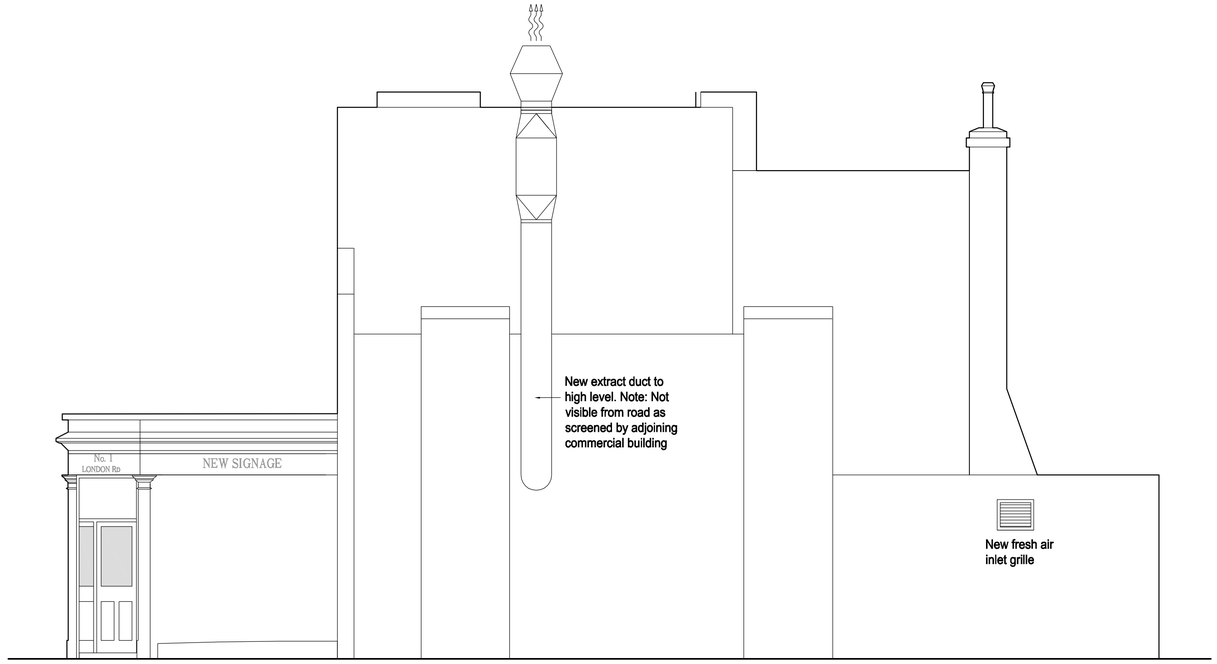
New extract duct to high level. Note: Not visible from road as screened by adjoining commercial building
No. 1 LONDON Rd
NEW SIGNAGE
No. 1 LONDON Rd

Proposed North Elevation 1:50

Existing door retained but locked shut and blocked internally
Existing window retained. Filmed out and blocked internally
Existing door retained. Filmed out and blocked internally
Existing window retained. Filmed out and blocked internally
NEW SIGNAGE
No. 1 LONDON Rd

Proposed East Elevation 1:50

Proposed South Elevation 1:50


New extract duct to high level. Note: Not visible from road as screened by adjoining commercial building
No. 1 LONDON Rd
NEW SIGNAGE
New fresh air inlet grille

Proposed West Elevation 1:50

Proposed Elevations 1:50

0m 1m 2m 3m 5m 10m

© The Copyright of this drawing remains with William Cook Associates and is not to be reproduced without written approval. Dimensions are not to be scaled from this drawing. The Contractor is to check all dimensions on site and report any discrepancies to the Contract Administrator. This drawing is to be read in conjunction with all other standard documentation. If in doubt, ASK.

Notes :

Rev.	Description	Date	By

Client : Mr A Mumtaz

Project No : 19007

Project : The George and Dragon Public House, London Road, Swanscombe, Kent, DA10 0LQ

Drawing Title : Proposed Elevations

Drawn by : SIB

Checked by :

Date : April 2020

Scale @ A1: 1:50

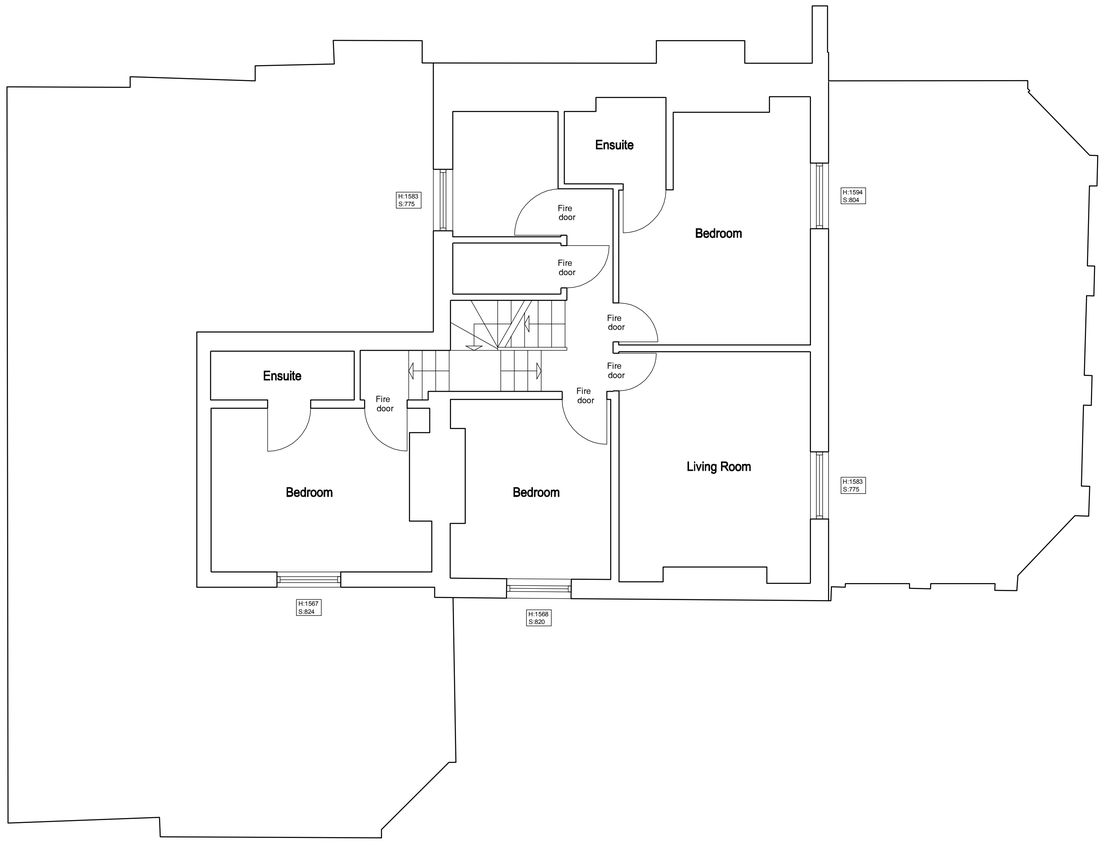
Status: PLANNING

Drawing No : 008

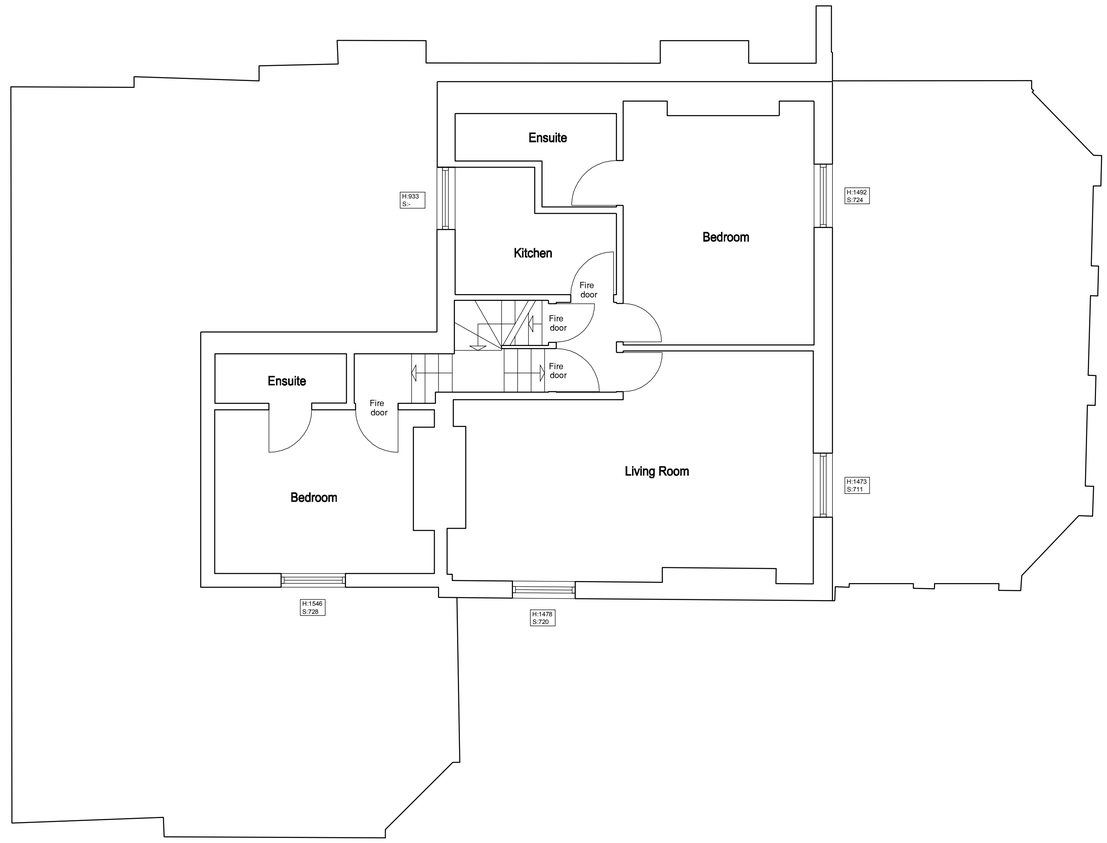
Rev. No : -

Cook Associates Architects I Engineers

Capital House, 3 Jubilee Way, Faversham, Kent, ME13 8GD
T: + 44 (0) 1795 532834 E: mail@cook-design.com W: www.cook-design.com



Proposed First Floor Plan 1:50



Proposed Second Floor Plan 1:50

Proposed Floor Plans 1:50

N

0m 1m 2m 3m 5m 10m

© The Copyright of this drawing remains with William Cook Associates and is not to be reproduced without written approval. Dimensions are not to be scaled from this drawing. The Contractor is to check all dimensions on site and report any discrepancies to the Contract Administrator. This drawing is to be read in conjunction with all other standard documentation. If in doubt, ASK.

Notes :

Rev.	Description	Date	By

Client :
Mr A Mumtaz

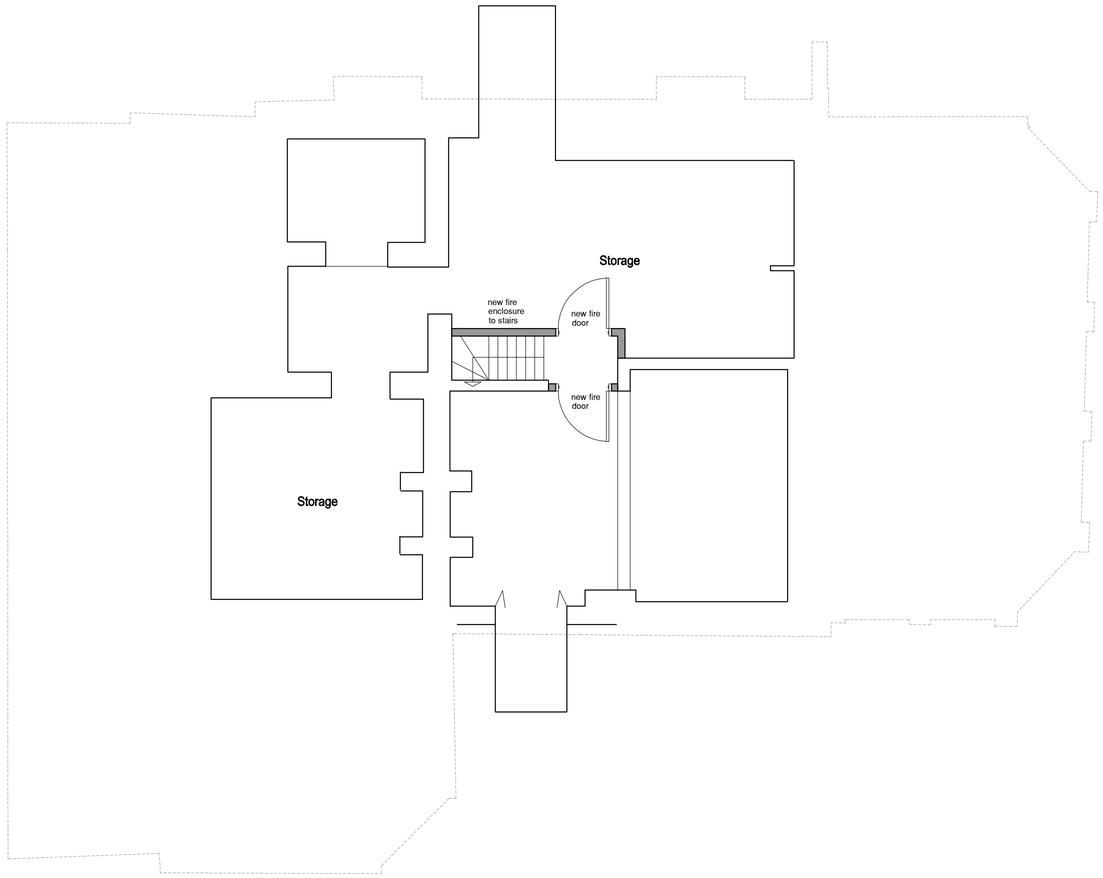
Project No :
19007

Project :
The George and Dragon Public House
London Road
Swanscombe
Kent
DA10 0LQ

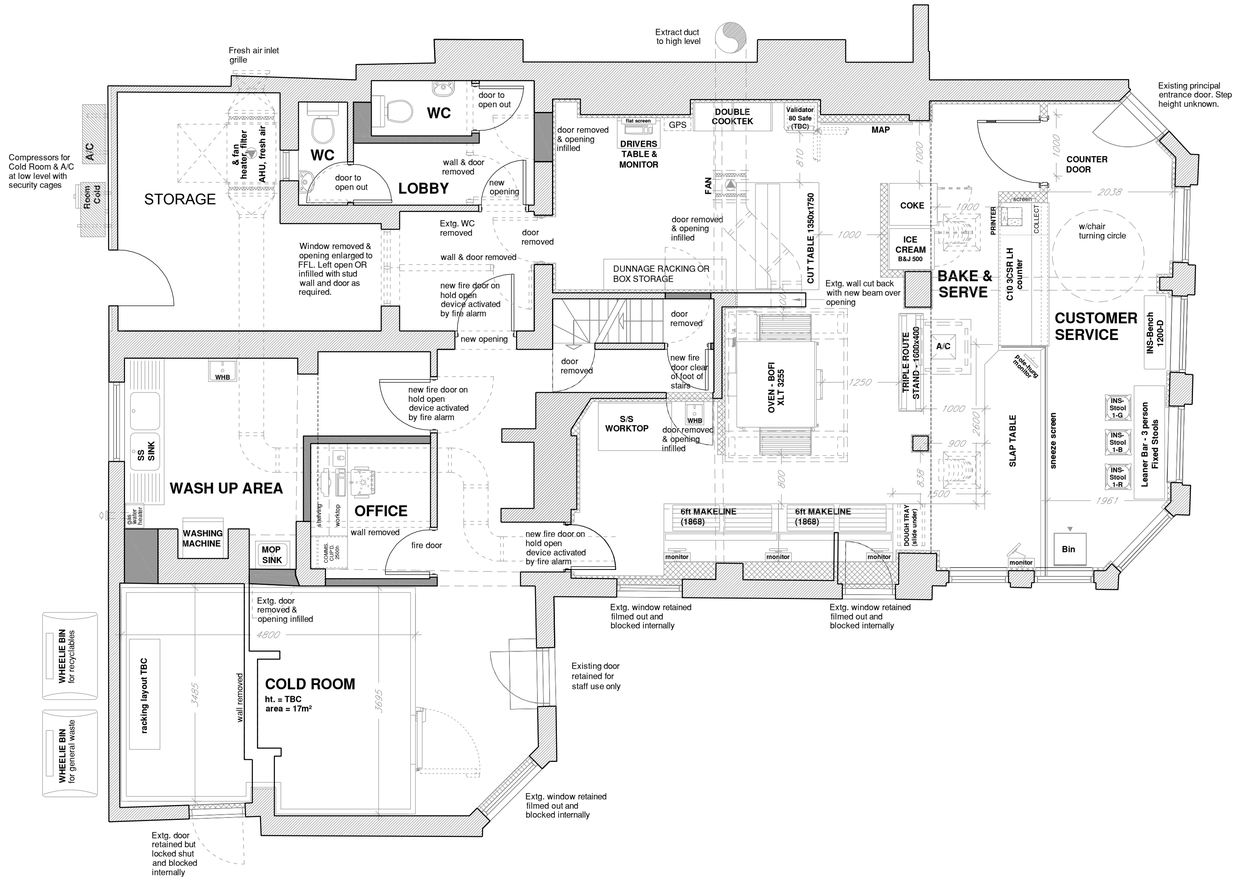
Drawing Title :
Proposed First and Second Floor Plans

Drawn by : SIB
Checked by :
Date : April 2020
Scale @ A1: 1:50
Status: PLANNING
Drawing No : 007
Rev. No : -

Cook Associates Architects I Engineers
Capital House, 3 Jubilee Way, Faversham, Kent, ME13 8GD
T: + 44 (0) 1795 532834 E: mail@cook-design.com W: www.cook-design.com



Proposed Basement Plan 1:50



Proposed Ground Floor Plan 1:50

Proposed Floor Plans 1:50

0m 1m 2m 3m 5m 10m

© The Copyright of this drawing remains with William Cook Associates and is not to be reproduced without written approval. Dimensions are not to be scaled from this drawing. The Contractor is to check all dimensions on site and report any discrepancies to the Contract Administrator. This drawing is to be read in conjunction with all other standard documentation. If in doubt, ASK.

Notes :

Rev.	Description	Date	By

Client :
Mr A Mumtaz

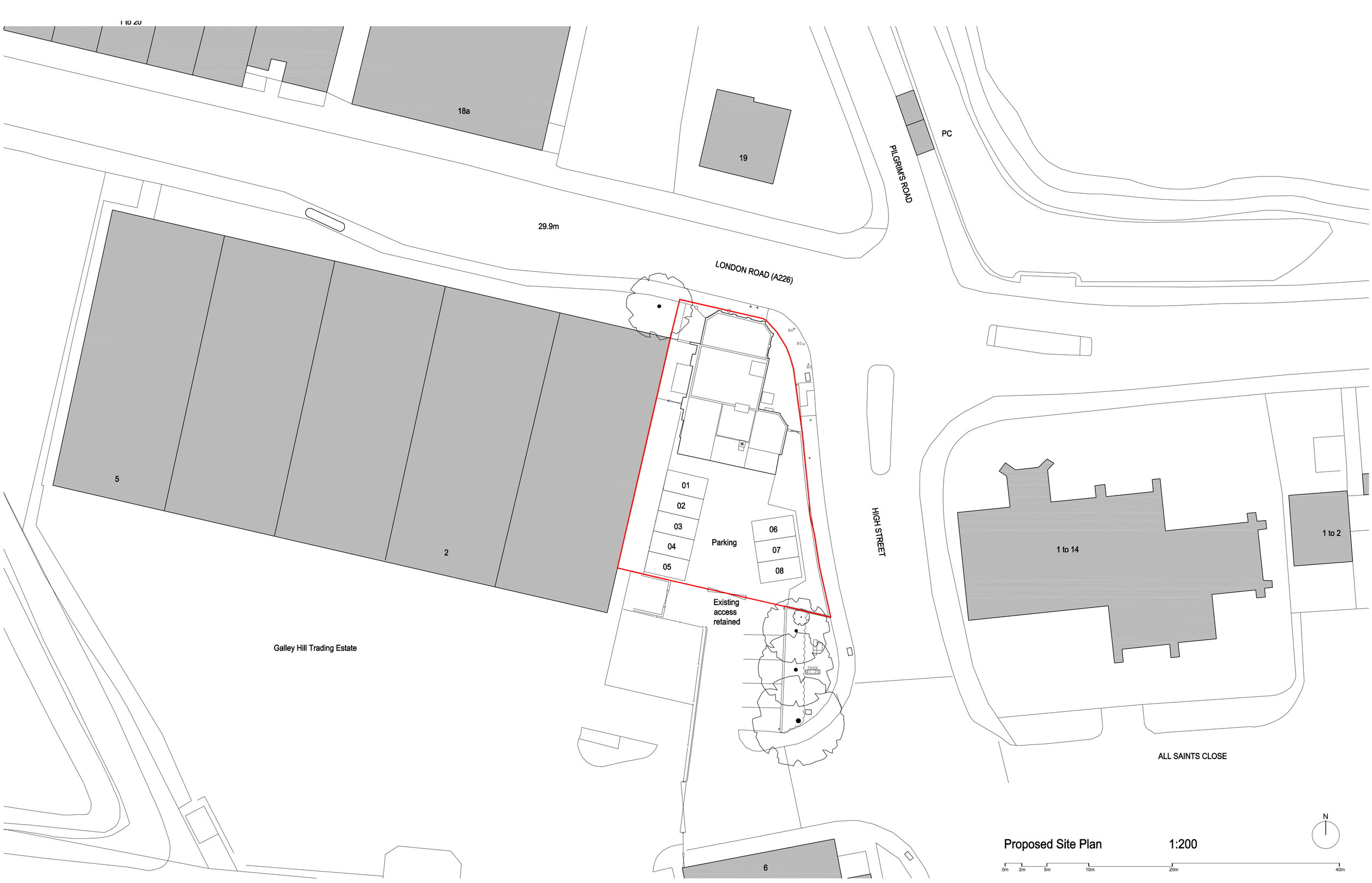
Project No :
19007

Project :
The George and Dragon Public House
London Road
Swanscombe
Kent
DA10 0LQ

Drawing Title :
Proposed Basement and Ground Floor Plans

Drawn by : SIB
Checked by :
Date : April 2020
Scale @ A1: 1:50
Status: PLANNING
Drawing No : 006
Rev. No : -

Cook Associates Architects I Engineers
Capital House, 3 Jubilee Way, Faversham, Kent, ME13 8GD
T: + 44 (0) 1795 532834 E: mail@cook-design.com W: www.cook-design.com



Proposed Site Plan 1:200

© The Copyright of this drawing remains with William Cook Associates and is not to be reproduced without written approval. Dimensions are not to be scaled from this drawing. The Contractor is to check all dimensions on site and report any discrepancies to the Contract Administrator. This drawing is to be read in conjunction with all other standard documentation. If in doubt, ASK.

Notes :

Rev.	Description	Date	By

Client :
Mr A Mumtaz

Project No :
19007

Project :
The George and Dragon Public House
London Road
Swanscombe
Kent
DA10 0LQ

Drawing Title :
Proposed Site Plan

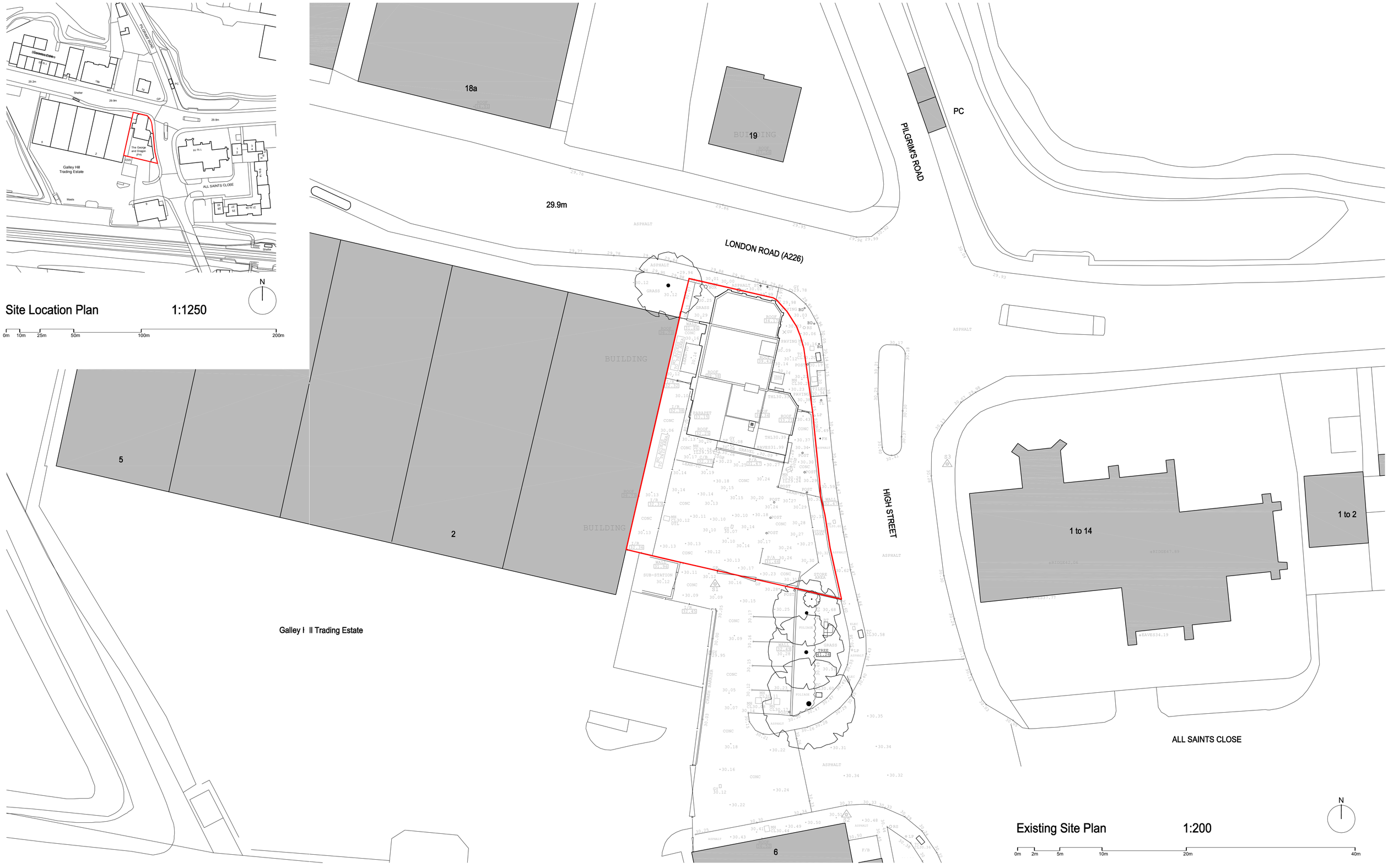
Drawn by : SIB
Checked by :
Date : April 2020
Scale @ A1: 1:200
Status: PLANNING
Drawing No : 005
Rev. No : -

Cook Associates Architects I Engineers
Capital House, 3 Jubilee Way, Faversham, Kent, ME13 8GD
T: + 44 (0) 1795 532834 E: mail@cook-design.com W: www.cook-design.com

N

Site Location Plan 1:1250

0m 10m 25m 50m 100m 200m



N

Existing Site Plan 1:200

0m 2m 5m 10m 20m 40m

© The Copyright of this drawing remains with William Cook Associates and is not to be reproduced without written approval. Dimensions are not to be scaled from this drawing. The Contractor is to check all dimensions on site and report any discrepancies to the Contract Administrator. This drawing is to be read in conjunction with all other standard documentation. If in doubt, ASK.

Notes :

Rev.	Description	Date	By
A	Drawing updated	06.04.2020	SIB

Client :
Mr A Mumtaz

Project No :
19007

Project :
The George and Dragon Public House
London Road
Swanscombe
Kent
DA10 0LQ

Drawing Title :
Site Location Plan
Existing Site Plan

Drawn by : LS
Checked by : SIB
Date : October 2019
Scale @ A1: 1:1250 / 1:200
Status: PLANNING
Drawing No : 001
Rev. No : A

Cook Associates Architects I Engineers
Capital House, 3 Jubilee Way, Faversham, Kent, ME13 8GD
T: + 44 (0) 1795 532834 E: mail@cook-design.com W: www.cook-design.com

Pegasus Group

SEQUENTIAL SITES ASSESSMENT

George and Dragon,
1 London Road,
Swanscombe

Zaan Group Ltd | February 2020 | P19-1774

FEBRUARY 2020 | FS | P19-1774

PLANNING APPLICATION FOR CHANGE OF USE FROM PUBLIC HOUSE (CLASS A4) TO HOT FOOD TAKEAWAY (CLASS A5)

SEQUENTIAL SITES ASSESSMENT

THE GEORGE AND DRAGON, 1 LONDON ROAD, SWANSCOMBE, DL10 0LQ

ON BEHALF OF ZAAN GROUP LTD

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004

Prepared by: FERGUS SYKES

Pegasus Group
First Floor | South Wing | Equinox North | Great Park Road | Almondsbury | Bristol | BS32 4QL
T 01454 625945 | **F** 01454 618074 | **W** www.pegasusgroup.co.uk

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

©Copyright Pegasus Planning Group Limited 2011. The contents of this document must not be copied or reproduced in whole or in part without the written consent of Pegasus Planning Group Limited

CONTENTS:

Page No:

1.	INTRODUCTION	1
2.	SITE DESCRIPTION AND BACKGROUND	2
3.	PLANNING POLICY CONSIDERATIONS	3
4.	SEQUENTIAL SITES ASSESSMENT	7
5.	NEED FOR RETAIL IMPACT ASSESSMENT	13
6.	CONCLUSION	14

APPENDICES:

APPENDIX 1:	APPEAL DECISION REF. APP/J1535/W/17/3175558
APPENDIX 2:	APPEAL DECISION REF. APP/W3710/W/14/3000770

1. INTRODUCTION

1.1 This Sequential Sites Assessment has been prepared by Pegasus Group on behalf of Zaan Group Ltd and is submitted in support of a planning application for the following development at the George and Dragon, 1 London Road:

> *"Change of use of the existing ground floor and basement of The George and Dragon Public House, Swanscombe, from a public house (Class A4) to a hot food takeaway (Class A5)."*

1.2 The application site will be occupied by a pizza takeaway and delivery operator. The upper floors will be retained as ancillary storage.

1.3 This Statement should be read in conjunction with the full planning application including the Design and Access and full set of plans, which have been prepared by Cook Associates.

2. SITE DESCRIPTION AND BACKGROUND

2.1 The application site and the surrounding area is described in the Planning Statement which accompanies this application. Therefore, in order to avoid repetition, the characteristics of the site are not described in this statement.

3. PLANNING POLICY CONSIDERATIONS

National Planning Policy

The National Planning Policy Framework 2019

3.1 The National Planning Policy Framework (NPPF) sets out the Government's overarching policy for the preparation of development plans and determination of planning applications.

3.2 **Paragraph 86** of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

3.3 **Paragraph 87** confirms that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

3.4 **Paragraph 90** states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

Planning Practice Guidance (continually updated)

3.5 Planning Practice Guidance (PPG) provides supporting guidance to the NPPF. It contains paragraphs relevant to the sequential test included within these respecting sections of this Statement.

Paragraph: 009 Reference ID: 2b-009-20190722

What is the sequential test?

> *"The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations and, if neither town centre locations nor edge of centre locations are available, to out of town centre*

locations, (with preference for accessible sites which are well connected to the town centre). It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking."

Paragraph: 011 Reference ID: 2b-011-20190722

How should the sequential test be used in decision taking?

"*It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). Wherever possible the local planning authority is expected to support the applicant in undertaking the sequential test, including sharing any relevant information. The application of the test will need to be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites will need to be discussed between the developer and local planning authority at the earliest opportunity.*

The checklist below sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:

- *With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. Any associated reasoning should be set out clearly.*

- *Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*

- *If there are no suitable sequentially preferable locations, the sequential test is passed.*

In line with paragraph 86 of the National Planning Policy Framework, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme of potentially suitable town or edge of centre sites should be taken into account.

Compliance with sequential and impact tests does not guarantee that permission will be granted - all material considerations will need to be considered in reaching a decision."

Paragraph:012 Reference ID: 2b-012-20190722

How should locational requirements be considered in the sequential test?

"Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification."

Local Planning Policy

3.6 Local planning policy for the Ebbsfleet Development Corporation area is set out within the Dartford Borough Council's planning policy documents, comprising the Core Strategy (2011) and Development Policies Plan (2017).

3.7 **Policy DP14** of the Development Policies Plan states that main town centre uses should be located sequentially and in accordance with Policy CS12, considering sites within the Borough's network of centres first. It states that proposals should demonstrate flexibility in design and form and that planning applications for shops outside A-class use will not be permitted outside of centres where the sequential test is not met.

3.8 The policy also states that outside of centres, retail development over **500 m²** floorspace will be permitted where it both satisfies the sequential test and is demonstrated to be acceptable through a retail impact assessment.

3.9 This is an important point, as clearly the proposed development is well below the 500 m^2 threshold for an impact assessment, and therefore there is no policy requirement for this to be undertaken.

3.10 **Policy DP19** relates to food and drink uses and states that takeaways (Class A5) will normally be permitted only within designated centres.

3.11 Therefore, in accordance with the NPPF and the local planning policy, a sequential test should be carried out to demonstrate that there are no available suitable sites within or at the edge of any identified retail centres within Swadlincote.

3.12 The sequential test is considered in Section 4 of this report. The retail impact assessment is considered in Section 5.

4. SEQUENTIAL SITES ASSESSMENT

4.1 Planning Practice Guidance advises:

> *"Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations …"* [1] *(and)*
>
> *"… as promoting new development on town centre locations can be more expensive and complicated than building elsewhere, local planning authorities need to be realistic and flexible in applying the test."* [2]

4.1 It is intended that the application site will be occupied as a pizza takeaway (Class A5). Taking into account the requirements of a viable takeaway use in this location, and the need to be flexible as set out within the NPPF, the following criteria have been set which should be met for a site to be considered suitable for the proposed development:

- A gross floor area between 150 m^2 and 500 m^2
- A ground floor area of between 100 m^2 and 500 m^2;
- Car parking in accordance with the adopted Parking Standards SPD; and
- Access to public transport.

4.2 These accommodation requirements raise issues in relation to both the availability of appropriate premises in a town centre location and the financial viability for this use of town centre accommodation with the required floor area.

4.3 The George and Dragon has a ground floor area of 157 m^2 and a total floorspace of 339.7 m^2, with the upper floors to be used for ancillary storage. The ground floor floorspace is the primary concern in this case, as this will need to be sufficient to accommodate the kitchen equipment, WC, office and cold room, together with customer areas. Therefore, the minimum ground floor area is the key criteria in this sequential assessment.

[1] PPG Reference ID: 2b-012-20190722
[2] PPG Reference ID: 2b-013-20190722

4.4 There are 4 no. bus stops within 135 metres of the site, with bus routes running east-west along London Road and links with Swanscombe and Bluewater to the south along High Street. In addition, Swanscombe Railway Station is approximately 125 metres to the south of the site. As such, the George and Dragon occupies a highly sustainable location with excellent public transport links.

4.5 The George and Dragon is approximately 150 metres north of the nearest designated District Centre and therefore is in an 'edge of centre' location, as define through the NPPF. As such, only in-centre sites can be considered sequentially preferable to the application site.

4.6 The Supreme Court, in its judgement in Tesco Stores Limited v Dundee City Council[3] and subsequent planning appeal decisions have also clarified the degree of flexibility that it is reasonable to expect, especially when considered in the context of *'the need to ensure that main town centre uses are met in full and are not compromised by limited site availability.'* [4] Viability has also been accepted by the High Court as a relevant consideration in the application of the sequential test.

4.7 The Supreme Court judgment in the case of *Tesco Stores Limited v Dundee City Council*, (21st March 2012)[5] held that the proper test of suitability in such cases has to be *'suitable for the development proposed by the applicant'* rather than suitable for some other purpose or proposal – for example by the local authority – provided the applicant has considered the scope for flexibility, in the specific circumstances of the case.

4.8 This judgment has been applied as a material consideration in planning appeals in England.'[6]

4.9 Also relevant is the High Court judgment dated 20th December 2012 in the case of Threadneedle Property Investments v North Lincolnshire Council and Simons Developments Ltd[7] in which the Court accepted that viability is a relevant consideration in the application of the sequential test, quoting the Tesco v Dundee Case: *'As Lord Reed said in Tesco v Dundee, at [29]:*

[3] December 2012 UKSC 13
[4] e.g. Sainsbury's, Crawley, 31 May 2012 (Inspector MT O'Rourke) APP/Q3820/A/11/2158410
[5] Hilary Term [2012] UKSC 13
[6] e.g. Sainsbury's, Crawley, 31 May 2012 (Inspector MT O'Rourke) APP/Q3820/A/11/2158410
[7] Case no CO/4764/2012

> *"Provided the applicant has [given consideration to the scope for accommodating the development in a different form and to have thoroughly assessed sequentially preferable locations]… the question remains… whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site":*

to which Lord Hope perceptively added, at [38]:

> *"[T]he context indicates that the issue of suitability is directed to the developer's proposals, not some alternative scheme which might be suggested by the planning authority. I do not think that this is in the least surprising, as developments of this kind are generated by the developer's assessment of the market that he seeks to serve. If they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism to which Lord Reed refers…, they will be rejected. But these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so."*

4.10 We have therefore applied the tests of suitability, availability and viability for the proposed development to identify potential sites within and at sites at the edge of Swanscombe District Centre with the requirement to show a reasonable degree of flexibility in relation to format and scale in mind.

4.11 It should be noted that there is no planning requirement to demonstrate a 'need' for the proposed Class A5 use in Swanscombe, or in the area surrounding the application site. The appeal decision attached at Appendix 1 (ref. APP/J1535/W/17/3175558) relates to a site in an existing centre, at 1 Brook Parade, Chigwell, but is relevant in terms of the way the Inspector has dealt with the issue of 'need', following the Council's reason for refusal highlighting a lack of need for such a use at the site.

APPENDIX 1 – APPEAL DECISION REF. APP/J1535/W/17/3175558

4.12 In the decision, the Inspector states:

> *"Part of the single reason for refusal given was that the proposal would provide a service already provided for in the locality, and that*

> *therefore there is no overriding need for the development which would outweigh the harm it is likely to cause. However, these are commercial considerations, which are not rightly the subject of planning decisions…"* [Pegasus' emphasis]

4.13 It is also important to note that the proposed use will replace an existing town centre use in an edge of centre location. As such, there will be no increased level of harm to the existing centre as a result of the change of use.

4.14 An appeal decision (ref. APP/W3710/W/14/3000770) is attached at Appendix 2 which relates to a similar proposal for the conversion of a former public house (The Punchbowl) in Nuneaton to a Class A5 hot food takeaway. The site was in an out of centre location and the Council refused the application on the basis that it would harm the vitality and viability of the existing centres.

APPENDIX 2 – APPEAL DECISION REF. APP/W3710/W/14/3000770

4.15 During their consideration of the appeal, the Inspector highlights (at paragraph 11) that the proposal would not result in a town centre use where no such exists; it would simply result in the substitution of one town centre use for another. In this case, the substitution of one food and drink use for another); and therefore, did not consider that a sequential test was determinative in the circumstances of the case.

4.16 Notwithstanding this, and for completeness, a sequential test has been undertaken to identify suitable and available sites in accordance with the criteria above.

4.17 A desktop search of available commercial properties has been undertaken using internet resources (namely websites such as 'Zoopla', 'Property Link', 'Rightmove' and 'Prime Location' commercial estate agency websites).

4.18 The websites allow a detailed search within the defined 'area of search' and via a minimum unit size. Therefore, the search was set by locality (i.e. postcodes of sites within the identified centres were selected with the search area including a ½ mile radius around these areas) and with a floor area of between 100 m^2 and 500 m^2, the minimum and maximum floorspace within which a viable takeaway of this type can operate.

4.19 Overall, there were no sites included on the commercial property websites (including retail, industrial, offices etc.) that were available within the identified centres (according to the 'Property Link' and 'Rightmove' websites) which could potentially physically accommodate the takeaway use.

4.20 A single property was found to be available within the Swanscombe Neighbourhood Centre. Details of this are provided below and it is confirmed that this property is not suitable for the proposed development.

4.21 Overall, it is concluded that there are no alternative sites in sequentially preferable locations which are suitable, available and capable of viable development or occupation. The proposed development therefore satisfies the sequential test.

4.22 No sequentially preferable sites within the designated centres within Swanscombe are available, suitable and viable for the proposed development as described above. The proposal is therefore consistent with the sequential approach of Core Strategy Policy CS12 and Development Policies Plan Policy DP14; and paragraphs 86, 87 and 90 of the NPPF.

Site 1	139 Milton Road, Swanscombe
Size	800 – 900 ft^2 (74 – 84 m^2)
Location	Within the Milton Road Neighbourhood Centre.
Description	Former hair salon across two floors in a short parade. The wider area is predominantly in residential use.
Availability	The site is advertised to let and is currently available.
Suitability	Overall, the site is in a sequentially preferable location, within the designated Neighbourhood Centre. The total floorspace is insufficient to accommodate the proposed use and this is further split across two floors. Therefore, this would not provide sufficient ground floor space for occupation by the proposed takeaway use as it would not accommodate the kitchen equipment, cold room and plant with the customer area. Furthermore, the operation of the takeaway would require dedicated parking which is not available at the site and it would not be able to be adequately serviced by delivery drivers or accommodate customer parking without causing a degree of harm in respect of highways impacts.
Conclusion	Although the site is within a sequentially preferable location, it is not suitable for the proposed development, even taking into account the need to be flexible with the scale and format of development.

5. NEED FOR RETAIL IMPACT ASSESSMENT

5.1 During discussions with the Local Planning Authority, it was indicated that it should be demonstrated that there would be no harm to the existing centres as a result of the introduction of a town centre use in this location.

5.2 As discussed in Section 4, the proposed use will replace an existing town centre use and therefore there will be no additional harm to the vitality and viability of the centre in this respect.

5.3 Notwithstanding the above reasoning, adopted planning policy for Dartford states that retail impact assessments will only be required for proposals in excess of 500 m^2. The floorspace for the proposed change of use is a total of 340 m^2 and therefore falls significantly below this threshold.

5.4 The threshold is set to reflect the size of development which is generally considered to have the potential to harm the vitality and viability of existing centres. The proposal, therefore, is not of sufficient size to draw footfall away from the existing District Centre. It is also close enough (within 150 metres) to be visited as part of a linked trip to the centre.

5.5 It is therefore clear that detailed evidence in respect of the impact of the proposed use on existing centres is not required in this case.

6. CONCLUSION

6.1 This Sequential Sites Assessment has demonstrated that there are no alternative sites in sequentially preferable locations which are suitable, available and capable of accommodating the proposed development.

6.2 It has also demonstrated that there will be no significant adverse impacts on the vitality and viability of existing retail centres.

6.3 Therefore, the proposed development satisfies the sequential test and there will be no adverse impact on the vitality and viability of any existing centres. As such, the requirements of paragraph 86, 87, 89 and 90 of the NPPF and Policy DP14 of the Dartford Development Policies Plan have been met.

6.4 As such, it is considered that the proposed Class A5 use is acceptable in this edge of centre location.

APPENDIX 1

APPEAL DECISION REF. APP/J1535/W/17/3175558

The Planning Inspectorate

Appeal Decision

Site visit made on 22 August, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th September, 2017

Appeal Ref: APP/J1535/W/17/3175558
1 Brook Parade, Chigwell, IG7 6PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Domino's Pizza UK & Ireland Plc against the decision of Epping Forest District Council.
- The application Ref: EPF/2931/16 dated 4 November, 2016 was refused by notice dated 1 February, 2017.
- The development proposed is change of use from Use Class A2 (Financial and Professional Services) to use for purposes within Use Class A5 (Hot Food Takeaway); replacement of compressors; erection of extraction duct and new shop entrance; and new fresh air intake grill.

Decision

1. The appeal is allowed and planning permission is granted for is change of use from Use Class A2 (Financial and Professional Services) to use for purposes within Use Class A5 (Hot Food Takeaway); replacement of compressors; erection of extraction duct and new shop entrance; and new fresh air intake grille at 1 Brook Parade, Chigwell, IG7 6PD in accordance with the terms of the application, Ref: EPF/2931/16 dated 4 November, 2017 subject to the conditions set out in the Schedule to this Decision.

Application for costs

2. An application for costs was made by Domino's Pizza against Epping Forest District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development given above is different from that on the original application but the change was agreed by the parties and I have therefore used the revised description.

4. The appellant has submitted revised plans which take account of mitigation measures recommended in the appellant's Noise Assessment report, also submitted as part of appeal information. I have considered whether the development would be so changed that any party would be prejudiced by being deprived of an opportunity to be consulted on these plans, and have concluded that they would not. I have therefore accepted these plans and taken them into account in reaching my decision.

5. The Council has drawn my attention to its Draft Local Plan for consultation, although as this is at a relatively early stage in its preparation, its policies may be subject to change. This therefore diminishes the weight I can attach to its policies, and I have therefore considered this appeal in the light of the policies contained within the Local Plan and Alterations 2006 (the LP).

Main Issue

6. Part of the single reason for refusal given was that the proposal would provide a service already provided for in the locality, and that therefore there is no overriding need for the development which would outweigh the harm it is likely to cause. However, these are commercial considerations, which are not rightly the subject of planning decisions, and no national or local policy requires an assessment of the need for a development to be demonstrated.

7. Accordingly, the main issue is solely the effect of the proposal on the living conditions of neighbouring occupiers with respect to noise and disturbance.

Reasons

8. Brook Parade is an early twentieth century shopping parade in the Chigwell Local Centre with a range of shops and other businesses at ground floor level and two storeys of residential accommodation above. It is set on a small access road to the front, which contains spaces for customer parking, and a service road, Brook Mews, to the rear with access to parking for residents and businesses, refuse storage and other functional uses. There are small residential balconies to the front elevation, and a number of properties have roof terraces for residents to the rear, including one on the upper floor of the appeal building. Most of the ground floor businesses have plant on the rear elevation. The parade is a busy one during the day, and is set on the busy High Road, close to the tube station.

9. The proposed change of use from a former bank to a hot food takeaway would include the installation of plant including an extract duct and air compressors. The submitted expert Noise Assessment report was compiled in line with standards set out in BS 4142:2014. It concludes that, subject to the mitigation measures included in the revised plans, the operation of this plant would not exceed acceptable noise levels. The revised plans show the air conditioning and compressor units moved into a basement area and the incorporation of silencers into the fans, following the recommended mitigation measures. On this basis, I can see no reason to doubt the findings and recommendations of the appellant's Noise Assessment, while the Council has submitted no technical evidence of its own which would cause me to do so.

10. While acknowledging these findings, the Council is clear that it does not agree with the report, due to the subjective nature of noise, by which I take it to mean the way in which it is experienced by receptors. Hours of operation by the proposed use are cited as taking place up to 01:00, which, it is contended would be an important factor in the impact on receptors, the neighbouring occupiers, and would constrain certain, although unspecified, activities.

11. However, it appears to me from the submitted evidence that the Council and the appellant had previously agreed that the hours of operation would extend only to 23:00 at night, and that the appellant is willing to accept a condition restricting opening hours to up to 23:00. The appellant has submitted

evidence demonstrating that these hours have been found acceptable elsewhere in the district in terms of their effects on neighbouring occupiers, and I can see no reason to disagree with this.

12. The Noise Assessment also concludes that the impact arising from delivery vehicles associated with the use would be negligible or minor. It has been made clear by the appellant that delivery vehicles would not include mopeds, and that they would operate from the front of the premises, with parking spaces to the rear reserved for staff. As also there would be likely to be free parking spaces to the front during the evenings, I can see no reason why delivery vehicles would cause disturbance to the rear of the block which would be the area most sensitive to disturbance for residents.

13. I conclude therefore that noise levels arising from plant associated with the proposed use would be attenuated, and that their effect on receptors in an area of ambient noise caused by existing plant, a busy shopping centre and a busy road would not be harmful. I conclude also that due to the operational arrangements and hours set out above harmful levels of noise and disturbance would not arise from delivery vehicles.

14. It appears to me from the evidence supplied that there would a reasonable expectation that the majority of meals would be delivered rather than picked up on site by customers. Consequently, and as no convincing evidence has been submitted to the contrary, I conclude that there would not be likely to be significant levels of customer activity on site, and that harmful levels of noise or disturbance would not therefore be likely to arise from that source.

15. As the proposal would not therefore be likely to cause harm to the living conditions of neighbouring occupiers, it would not conflict with policy DBE9 of the LP, which seeks development which does not result in an excessive loss of amenity for neighbouring properties, including in respect of noise, smell or other disturbance.

Other Matters

16. As I have set out at the beginning of this decision, issues relating to commercial considerations are not planning matters, and neither is the concern that the proposed use would be by a corporate chain, or the possible effects on dietary habits of local residents. Fear of crime is also cited as a concern, but no evidence has been put before me to persuade me that the presence of a pizza delivery business would lead to an increase in criminality in the area. As food would generally be taken to be consumed elsewhere, I conclude that there would not be likely to be a significant effect on levels of litter in the vicinity. The proposed extract duct would extend to a metre above the height of the roof, and would not be situated close to the roof terrace below, and I conclude therefore that it would not have a harmful effect in terms of smells.

Conditions

17. The Council has supplied a list of suggested planning conditions, on which the appellant has had an opportunity to comment, and I have taken these into account. A condition requiring implementation of the scheme in accordance with the approved plans, taking into account revisions, would be necessary in the interests of clarity.

18. The appellant has indicated that details relating to the equipment to supress and disperse cooking fumes and smells have been submitted as part of the application, and that rather than a pre-commencement condition, a condition ensuring compliance with the details provided should be applied. It appears to me that this would be reasonable and necessary, and that such a condition should be applied. It appears to me also that the external appearance of the extract duct has already been shown on the approved plans, and that it would not be reasonable or necessary to condition this aspect of the scheme. Furthermore, details of provision for foul drainage and grease separation are matters for the Building Regulations or Environmental Health rather than the planning system, and accordingly a condition relating to these would not be reasonable or necessary either.

19. A condition controlling hours of opening, taking account of the previously agreed closing time of 23:00, would be necessary in the interests of protecting the living conditions of neighbouring occupiers. A condition restricting the works of construction in relation to the change of use would also be necessary in the interests of protecting the living conditions of neighbouring occupiers.

Conclusion

20. For the reasons given above therefore, and taking into account all other matters raised, I conclude that the appeal should be allowed.

S J Buckingham

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

1) The development hereby permitted shall be carried out in accordance with the following approved plans: DB214-LP, DB214-BP revision B, DB214-EX-01 revision A, DB214-EX-02 revision A, DB214-EX-03 revision A, DB214-EX-04, DB214-GA-05 revision A, DB214-EL-06 revision A, DB214-EL-07 revision A, DB214-EL-08 revision A.

2) The development hereby permitted shall not be occupied until equipment to control the emission of fumes and smell from the premises shall have been constructed in accordance with details shown on the approved plans.

3) The premises shall only be open for customers between the following hours: 10.00 – 23.00 Mondays – Sundays inclusive.

4) Demolition or construction works shall take place only between 07.30 to 18.30 on Mondays to Fridays, 08.00 to 13.00 Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

APPENDIX 2

APPEAL DECISION REF. APP/W3710/W/14/3000770

The Planning Inspectorate

Appeal Decision

Site visit carried out on 10 March 2015

by Mrs J A Vyse DipTP DipPBM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 March 2015

Appeal Ref: APP/W3710/W/14/3000770
The Punch Bowl, Tuttle Hill, Nuneaton, Warwickshire CV10 0HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Zeeshan Chaudry against the decision of Nuneaton and Bedworth Borough Council.
- The application No 032816, dated 24 June 2014, was refused by a notice dated 2 September 2014.
- The development proposed comprises change of use from Class A4 (drinking establishment) to Class A5 (hot food takeaway), installation of extraction/ventilation equipment and minor external alterations.

Decision

1. For the reasons that follow, the appeal is allowed and planning permission is granted for change of use from Class A4 (drinking establishment) to Class A5 (hot food takeaway), installation of extraction/ventilation equipment and minor external alterations at The Punch Bowl, Tuttle Hill, Nuneaton in accordance with the terms of the application, No 032816, dated 24 June 2014, subject to the conditions set out in the schedule below.

Application for Costs

2. An application for costs was made by the appellant against Nuneaton and Bedworth Borough Council. That application will be the subject of a separate Decision to follow.

Preliminary Matters

3. The appeal submission includes amended plans.[1] A small bin storage area is added to the rear of the building, comprising an unroofed timber enclosure with a maximum height of some 1.8 metres. In addition, air conditioning and cold room compressor units shown on the original plans as being located on the side facing south-east and north-west elevations respectively, are relocated to the rear elevation, sited immediately above the proposed bin store area.

4. The Council was consulted on the revisions, which are based on the comments of the Environmental Health Officer, and confirms that it is happy to proceed on the basis of the amended plans. The alterations are very minor and I am satisfied that no party would be prejudiced by me determining the appeal on the same basis.

[1] Plan No 14018 Rev C (Proposed elevations Sheet 1) includes amendments dated 12 September 2014 (external bin store indicated) and 19 September (position of condensers amended in line with planning consultant comments). An additional plan (No 14018 Proposed bin store) also shows details of the proposed bin enclosure.

5. Local residents who back onto the appeal site are concerned about the stability of a boundary wall. However, that is a private matter and has no bearing on the planning merits of the respective cases.

Main Issues

6. These relate to the effect of the proposal on the vitality and viability of the town centre, and on the living conditions of nearby residents, having particular regard to noise, disturbance and odour.

Reasons

Vitality and Viability

7. The development plan for the area includes the Nuneaton and Bedworth Borough Local Plan 2006. Policy S7 of the Plan indicates that outside a town or district centre, permission for A5 uses (among others) will only be permitted if specified criteria are met. The first of these requires that such uses are located within existing or new local centres. Since the appeal premises are not located in an existing or new local centre, there would be conflict with criterion a) of the policy.

8. Although there is no explanation in the supporting text as to the purpose of the criterion, the Council's evidence suggests that it is aimed at sustaining and enhancing the vitality and viability of existing centres. However, in not providing any flexibility for A5 uses outside of designated locations, the policy does not chime entirely with Section 2 of the National Planning Policy Framework (the Framework). Whilst seeking to ensure the vitality of town centres, the Framework advocates a sequential, town centre first approach to applications for uses, allowing that, in some circumstances, such uses can be considered outside of town centre or edge of centre locations.

9. Although not required by the Council at application stage, the appellant has undertaken a sequential test, which concludes that there are no sequentially preferable reasonable alternative locations for the development proposed. However, the search related only to a pizza takeaway use and its associated catchment, as opposed to a general A5 use.[2]

10. The Government's Planning Practice Guidance confirms that sequential tests should recognise that certain town centre uses have particular market and locational requirements which may mean that they can only be accommodated in specific locations. I am also mindful of related case law drawn to my attention by the appellant, which has held that the proper test of suitability means suitable for the development proposed by the applicant, rather than suitable for some other purpose,[3] and that the issue of suitability is directed to the developer's proposals, not some alternative scheme.[4] In this case however, the description of development for which permission is sought, as set out on the application form, is described as a general A5 takeaway use, not a specific pizza takeaway use. To my mind, an unfettered A5 use is not directly comparable to the scenarios outlined in the legal cases to which I have been referred.

[2] I am advised, in this regard, that it is intended that, were the appeal to be successful, the premises would be used as a pizza takeaway.
[3] Tesco Stores Limited v Dundee City Council
[4] Threadneedle Property Investments v North Lincolnshire Council and Simons Development limited CO/4764/2012

11. In coming to a view on the appeal scheme, the proposal would not result in the introduction of a town centre use on a site where no such use exists at present. Rather, it would result in the substitution of one town centre use for another, within an existing building and with no increase in floorspace. In particular, it involves the substitution of a use that would provide drink (and often food) and which could, without the need for planning permission, be used as a restaurant, with another use that provides food and drink, albeit on a takeaway basis. In these circumstances, I consider that the results of the sequential test are not determinative in the circumstances of this particular case.

12. On balance, given the existing use of the appeal premises, I am not persuaded that the development proposed would necessarily compromise or undermine the vitality or viability of a town or district centre. There would be no conflict, therefore, with the underlying aim of criterion a) of policy S7, or with relevant national policy and guidance.

Living Conditions

13. Criterion b) to policy S7 requires that there should be sufficient separation between the development proposed and the nearest residential property, having regard to the size and nature of the proposal and the character and nature of the surrounding area. In order to protect the living conditions of neighbouring residents, the explanatory text to the policy indicates that this is unlikely to be less than 30 metres and, in some circumstances, may need to be more.

14. The appeal premises are surrounded by residential properties. As the nearest property is within some 6 metres of the existing building, the suggested 30 metre separation is not met. However, that is not the end of the matter. The interrelationship between the appeal site and adjacent properties is an existing arrangement: the question that needs to be addressed is whether there would be any harm as a consequence of the development proposed when compared with the existing lawful use.

15. Dealing firstly with the matter of cooking fumes and odours: it is not uncommon, in my experience, for hot food takeaways to be located close to residential accommodation and for fumes and smells to be dealt with by means of extraction equipment. I note, in this regard, that whilst there is considerable local opposition to the proposal, the Council's Environmental Health Officer is satisfied that the matter could be dealt with by the imposition of conditions relating to the siting and specifications of the extraction plant and equipment. As recorded by an Inspector in a previous appeal referred to by the appellant,[5] it is to be assumed that, if properly installed and maintained (matters that can be controlled by conditions were the appeal to succeed) cooking fumes and odours can be limited to an acceptable level. I have no reason to suppose that a suitable and effective extraction system could not be achieved at the appeal site.

16. Criterion f) to policy S7 requires that hot food takeaway proposals should not cause additional disturbance to the occupiers of nearby residential properties. The revised location for the air conditioning and cold room compressor units locates them to the rear elevation, further away from residential premises than

[5] Appeal ref: 2143267 Change of use from A1 retail to A5 hot food takeaway at 9c Trafford Drive, Nuneaton. Allowed 7 June 2011.

was proposed originally and the appellant's noise report demonstrates that, provided appropriate attenuation measures are provided (a matter than could be secured by condition) there would be no material harm to the living conditions of nearby residents in terms of noise from the operation of external plant at the premises.

17. In terms of noise and disturbance from customer movements, I am mindful that this is a predominantly residential area and that the site is surrounded on three sides by residential properties. However, the appeal premises are located on a fairly busy road and this is an existing (albeit currently vacant) public house that could be brought back into use at any time and which has an extensive parking area to the side/rear. The premises could also be used as a restaurant without the need for planning permission. There is no objective evidence before me to demonstrate that customers visiting a hot food takeaway at the premises would be likely to give rise to any greater noise and disturbance for local residents than would customers using the premises as a public house. I am especially mindful, in this regard, that the suggested opening hours (11.00-23.00 every day) correlate with the standard opening hours of public house premises.

18. To conclude on this issue, I am satisfied that, subject to conditions, use of the premises as a hot food takeaway would not result in any material harm to the living conditions of local residents in relation to cooking fumes/odours or noise and disturbance. I find no conflict therefore, with criteria b) and f) of policy S7.

Other Matters

19. Local residents raise concerns in relation to parking and highway safety. I have no reason to suppose that the existing car park is not commensurate with the size of the operation proposed. As such, there would be no need for customers to park on the highway. Although there are currently two accesses to the car park off the main road, the south-eastern access is not wide enough to accommodate two-way traffic, with the Highway Authority advising that the in-out arrangement proposed could cause confusion, with adverse implications for highway safety. However, those are matters that can be addressed by planning conditions were the appeal to succeed and I find no harm in this regard.

20. Concerns were also raised in relation to a number of other matters, including loss of the pub as a community facility. This was addressed in the officer's report, with the officer concluding that there would be no material harm. In the absence of any substantiated evidence to challenge that conclusion, I concur with the reasoning set out in that report. In relation to concerns in relation to locating a hot food takeaway close to a school, the closest I saw on my site visit was a primary school. It seems unlikely to me that primary age pupils would be allowed off the school premises during school hours. Whilst healthy eating and lifestyle policies are important for public health and are a material consideration, I am not persuaded that healthy eating by school pupils, or indeed anyone resident in the locality, is likely to be affected to such a degree in this instance that the appeal should fail in this regard.

Conclusion

21. For the reasons set out above, I conclude on balance that the appeal should

succeed. I recognise that the many local residents who objected to the proposal, including those who signed the petition at application stage, will be disappointed by the outcome and am mindful of the Government's 'localism' agenda. However, even under 'localism', the views of local residents, very important though they are, must be balanced against other considerations. In coming to my conclusions on the determinative issues, I have taken full and careful account of all the representations that have been made, which I have balanced against the provisions of the development plan and the National Planning Policy Framework. For the reasons set out above, the evidence in this case leads me to conclude that the appeal should be allowed.

22. The Council has suggested a number of conditions. In addition to the standard implementation condition, and otherwise than as set out in the decision and conditions, it is necessary that development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

23. In order to protect living conditions, the Council required the submission of details of the extraction equipment, and the air conditioning/cold room compressor units. Those details have already been provided on the application plans, and the appellant's noise report includes the results of noise survey work at the appeal site and details of noise emissions in relation to the plant and equipment proposed. I have, therefore, used a single condition, based on that suggested by the appellant, which requires that the extraction equipment and the air conditioning and cold room compressors are installed in accordance with the approved details and that they operate within maximum noise levels based on the survey results. A condition is also required to control opening hours.

24. In the interest of highway safety, it is necessary to ensure that the parking area is retained and is made available for customers, that the south-eastern access is closed off to vehicular traffic, and that the remaining north-western access is retained at sufficient width to allow oncoming vehicles to pass and is not gated within 6 metres of the carriageway edge.

25. The Council suggests that a condition be imposed requiring that servicing of the premises does not take place from the public highway. However, such a condition would be *ultra vires,* in that it seeks to prevent what might otherwise be lawful operations. The important thing is that there is sufficient room within the appeal site such that servicing is not required to take place from the street.

Jennifer A Vyse

INSPECTOR

Schedule of conditions attached to
Appeal Decision APP/W3710/W/14/3000770
The Punch Bowl, Tuttle Hill, Nuneaton

1) The development hereby permitted shall begin no later than the end of three years from the date of this decision.

2) Unless required otherwise by the conditions set out below, the development hereby permitted shall be carried out in accordance with the following approved plans: No 14018 Rev B (proposed plan); No 14018

Rev C (proposed elevations sheet 1); No 14018 Rev C (proposed elevations sheet 2); and No 14018 (proposed bin store).

3) The use hereby permitted shall not begin until the fume extraction system and the air conditioning and cold room compressors, have been installed in accordance with details shown on the approved plans and as set out in the Noise Assessment Report prepared by Cole Jarman (14/0555/R1a) dated 12 November 2014, and are fully operational. External noise emissions from fixed plant and machinery shall be attenuated such that at 1 metre from the façade of the nearest residences it does not exceed 36dB$L_{Aeq(5\ min)}$ between 09.00-23.00 hours and 33dB$L_{Aeq(5\ min)}$ between 23.00-09.00 hours. Once installed, the related odour control and noise attenuation measures shall be retained in perpetuity in accordance with the approved details.

4) The use hereby permitted shall not take place other than between the hours of 11.00 and 23.00 on any day.

5) Prior to commencement of the use hereby permitted, the south-eastern vehicular access to the site shall have been permanently closed off and the footway/highway verge reinstated in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.

6) Prior to commencement of the use hereby permitted, the fences and gates within the north-western vehicular access to the site shall have been removed or altered such that the access is no less than 5 metres in width for a distance of at least 20 metres from the near edge of the public highway carriageway. No gates shall be installed across the vehicular access so as to open within 6 metres of the public highway carriageway.

7) The existing parking and vehicular circulation area shall be permanently retained for that purpose and shall be available to customers at all times when the premises are open for business.

----------end of conditions----------

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

pegasusgroup.co.uk

First Floor, South Wing,
Equinox North,Great Park Road,
Almondsbury, Bristol, BS32 4QL

E Bristol@pegasusgroup.co.uk
T 01454 625 945

COPYRIGHT The contents of this document must not be copied or reproduced in whole or in part without the written consent of Pegasus Group. Crown copyright. All rights reserved, Licence number 100042093

Local Planning Authority Statement of Case

Planning Appeal Reference: **APP/J2285/W/20/3259455**

EDC Application Reference: **EDC/19/0203**

Site Address: **George & Dragon, 1 London Road, Swanscombe, DA10 0LQ**

Proposal: **Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.**

1.0 BACKGROUND

1.1 The Officer's Delegated Report for the above planning application, submitted with the appeal questionnaire, remains the principal document setting out the case by Ebbsfleet Development Corporation, in its role as the determining Local Planning Authority (the LPA). This additional statement should be read as a supplementary document.

1.2 The Planning application was refused by Ebbsfleet Development Corporation by notice dated 15th June 2020 for the following reasons:

1. The proposal would result in loss of a community facility for non-community purposes, contrary to policy DP21 of the Dartford Development Policies Plan July 2017. Sufficient evidence has not been provided within the application to demonstrate that the facility is shown not to be needed by the community nor that reasonable efforts have been made to preserve a community use, including exploration of appropriate solutions to retain the facility with operators/ service providers and where appropriate the local community.

2. The proposal would provide a hot food takeaway (Use Class A5) in an inappropriate location outside of a designated centre identified in the development plan, contrary to policies DP14 and DP19 of the Dartford Development Policies Plan July 2017 and paragraph 85 of the National Planning Policy Framework. Insufficient information has been provided to demonstrate that the sequential test has been met and that it would not cause harm to the long-term vitality and viability of a designated centre, nor has an adequate justification been provided for the proposed Class A5 use in a location to which development plan policy identifies as inappropriate.

3. The proposal has not demonstrated that adequate provision for customer parking could be provided at the site in addition to staff parking. This would likely result in unacceptable adverse impacts upon the transport and access conditions within the surrounding area, unacceptable increases to on-street parking, and give rise to noise and disturbance impacting residential amenity in the immediate area, contrary to policies DP3, DP4, DP5 and DP19 of the Dartford Development Policies Plan July 2017.

2.0 STATEMENT OF THE LOCAL PLANNING AUTHORITY

2.1 Refusal Reason 1 – Loss of Community Facility

2.1.1 The appellant's statement of case maintains that the marketing exercise and evidence submitted are sufficient to comply with Dartford Development Policies Plan policy DP21.

2.1.2 Paragraphs 9.1.3 to 9.1.15 of the Officer's delegated report set out the LPA's assessment in relation to refusal reason 1. In addition, a copy of the letter from Dartford Borough Council (DBC), as the plan-making authority for this area, is included with this statement in Appendix 1. This letter is understood to have also been submitted by DBC as formal representations for this appeal and provides assessment by their planning policy section of the marketing exercise in relation to the requirement under policy DP21. This identifies clear shortcomings including insufficient evidence to demonstrate the existing public house use being no longer needed with an absence of local needs studies or calculations, having no evidence to demonstrate all reasonable efforts being made to preserve the community use, nor any verification or detail in relation to the marketing nor justification for the asking price.

2.1.3 The appellants statement of case in paragraphs 6.6 to 6.7 refers to listing as an asset of community value and the absence of this listing suggesting that the local interest is not apparent. The pre-amble to policy DP21 in paragraph 14.5 states for the definition of community facilities:

This definition includes facilities often valued by the community, such as public houses and post offices that are well-established within the locality (including those listed or under consideration for listing as Assets of Community Value) where there is a reasonable possibility of the building being reused to provide community services.

2.1.4 The above paragraph sets out that listing as an asset of community value is not essential to meet the definition of a community facility, with specific reference made to public houses that are well-established in the locality - as is the case with the application property, falling within the definition. Policy DP21:2(b) requires the applicant to explore appropriate solutions to retain the facility with operators/ service providers and where appropriate the local community. The pre-amble to the policy in paragraph 14.10 clarifies that exploring the potential for listing as an asset of community value is such a solution and that this should be evidenced. However the applicant has provided no evidence of exploring this nor any other solution to preserve a community use for the facility.

2.1.5 Objections received to the application cover a range of issues including the proposed use and associated impacts, however numerous comments received refer to either loss of the public house, the community facility generally, or the gradual loss and resulting small number of remaining public houses in Swanscombe. Local interest in retaining the public house, or an alternative community provision, is therefore considered to have been demonstrated from a total of 104 written objections received from local residents, local Ward Councillors and the public. This is in addition to objections received from both Dartford Borough Council and Swanscombe and Greenhithe Town Council.

2.1.6 The appellant's statement of case in paragraphs 6.30 to 6.32 refers to amendments under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 with creation of new Use Class E and the ability for some existing community uses to change to other non-community uses within that class. This does

not however impact the requirement of a proposal requiring planning permission to accord with adopted policy DP21, nor is it considered to have any material bearing upon the appeal proposal since both public houses and takeaways are now sui-generis uses and therefore do not benefit from the permitted changes of use under Class E.

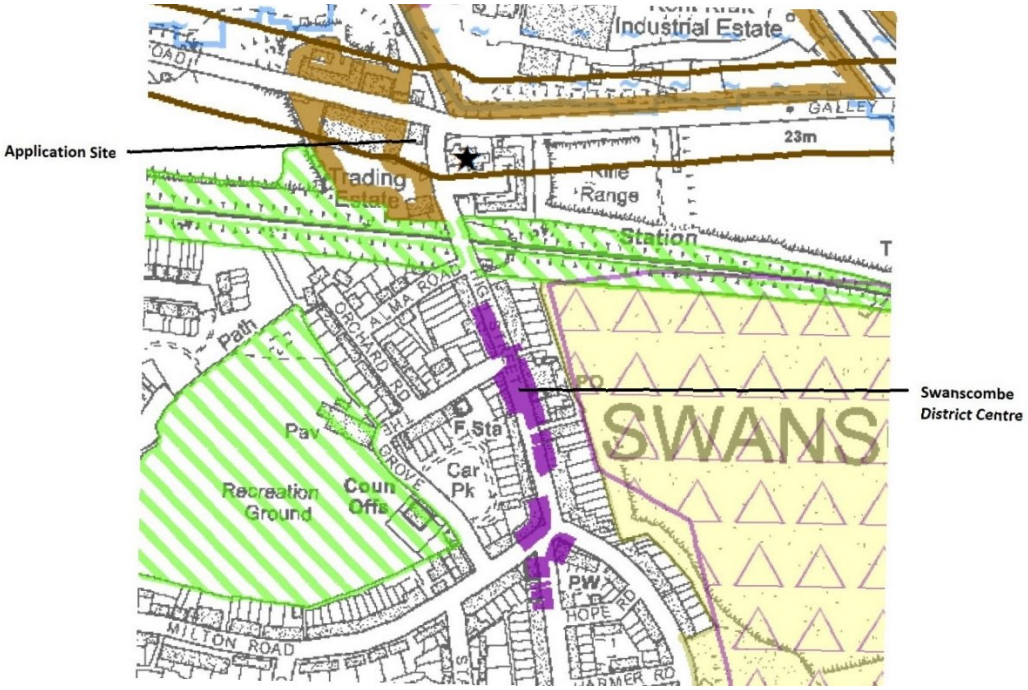
2.1.7 Whilst the temporary permitted development rights for public houses to provide takeaway food has been further extended until 23 February 2022, the appeal proposal is for a permanent permission beyond this date and therefore the permitted development rights do not provide a relevant fall-back provision and as such should be given no weight in the consideration of this appeal.

2.1.8 Since the planning application was determined, a Nationally Significant Infrastructure Project (NSIP), the London Resort was accepted by the Planning Inspectorate for examination in January 2021. As a potential alternative scheme it remains that the NSIP is not considered to impact the assessment of this application under the Town and Country Planning Act 1990 not least because redevelopment of the subject site does not appear to be proposed, however it is considered that some weight can be attributed to proposals for staff accommodation as part of the NSIP proposals in close proximity to the site. A long-term demand for a public house can therefore reasonably be anticipated given current stage of the NSIP process, with potential for meantime demand during construction of the project.

2.1.9 Neither the appellant's statement of case, changes to the Use Classes Order, nor submission of the NSIP proposal since determination of the application alter the LPA's position regarding refusal reason 1.

2.2 <u>Refusal Reason 2 – Hot Food Takeaway Use outside of a designated centre</u>

2.2.1 The Dartford Policies Map and Appendix B of the Development Policies Plan identifies specific properties as being within designated District and Neighbourhood Centres, with the nearest designated centre to the application site being Swanscombe District Centre. The below except from the Dartford Policies Map shows locations of properties forming this centre (purple edging) with text annotations added for clarity:



2.2.2 In NPPF terms the application site location is edge of centre as it lies within 300m of the nearest local centre. In local policy terms the application site is outside a centre since it is not one of the specific properties identified as being within a designated centre. There is also physical separation of the site from Swanscombe District Centre with the only pedestrian route being narrow footway of a road bridge crossing the east-west railway.

2.2.3 Paragraphs 6.37 to 6.64 of the appellant's statement of case refer to the sequential test submitted as part of the planning application. Dartford Development Policies Plan Policy DP14 reinforces the retail strategy from Dartford Core Strategy Policy CS12 and requires A-class uses to be within designated centres where the sequential test is not met. The LPA consider, for the reasons set out in paragraph 9.1.16 to 9.1.19 of the officer's delegated report, that the sequential test has not been met and that the proposal is therefore contrary to policy DP14.

2.2.4 Planning Practice Guidance (PPG) Town Centres and Retail paragraph 011 states the application of the sequential test will need to be proportionate and appropriate for the given proposal. The appellant's sequential test mainly comprises reference to planning appeal decisions with limited evidence provided on availability of suitable alternative sites being only a desktop search of the immediate area to the application site for a use which would be expected to draw a much wider catchment. It is also noted that the applicant did not discuss the potential suitability of alternative sites with the LPA as recommended by PPG paragraph 011.

2.2.5 The appellant's statement of case in paragraphs 6.62 to 6.63 refers to updated review of identified websites and physical visits to the centres however provides no supporting evidence regarding the availability of suitable sites.

2.2.6 The appellant's statement of case in paragraphs 6.65 to 6.68 refers to the need for a proposed takeaway being non-material to the decision. The need for the use is not referenced in the refusal reason. However, it is considered relevant to note that the absence of available premises within Swanscombe would be contributed to in part by the number of existing hot food takeaways within the centre. That this should justify location of an additional hot food takeaway outside of this centre would appear to go against the thrust of NPPF paragraph 85 a) of encouraging a suitable mix of uses and promoting the long-term vitality and viability of town centres.

2.2.7 Notwithstanding the above, and in response to paragraphs 6.37 to 6.45 of the appellants statement of case regarding substitution of one main town centre use for another, Dartford Development Policies Plan policy DP19:2 specifically restricts hot food takeaway uses that are not within a designated centre and states as follows:

The Local Planning Authority will seek to prevent the inappropriate location or clustering of takeaway premises. Takeaways (Class A5) will normally be permitted only within the development plan's network of designated centres; and permission will not normally be permitted for an A5 units adjacent to an existing or permitted A5 unit (other than at Bluewater).

2.2.8 The appended DBC letter confirms from their planning policy section the reasoning for hot food takeaways being considered under policy DP19 as inappropriate in locations outside of designated centres. This is to control the range of adverse impacts caused by takeaway uses, including disturbance to residents from people using the premises and issues of traffic and illegal parking, by focussing this type of use where such impacts already exist.

2.2.9 It is also relevant to note that the relevant local policy for appeal decision ref. 3000770 (The Punchbowl, Nuneaton), appended by the appellant, dated from 2006. In contrast policy DP19 is an up to date local plan policy, consistent with the NPPF, with clear reasoning for restricting takeaway uses outside of designated centres.

2.2.10 The site is located in close proximity to existing residential properties which would be impacted by the proposed takeaway use. Evening and night-time disturbance from customer noise and anti-social behaviour would in all likelihood cause a significantly greater impact upon residential amenity than the existing public house. Operation of this existing use is largely contained within the building and enclosed seating area. The licensee also has a greater responsibility to ensure customers do not cause nuisance to neighbours with risk of sanctions such as loss of licence in the event of disturbance from customers not being managed effectively. A similar level of licencing control does not exist for the proposed takeaway use.

2.2.11 Issues of traffic and illegal parking are considered under refusal reason 3, however it is relevant to note the location of the site within an Air Quality Management Area (AQMA), with impacts of introducing a traffic generating use upon this AQMA, and upon the free flow of traffic in the area from a wider catchment than the district centre with increased private car use for travel to and from the premises.

2.2.12 This is in contrast to the existing public house use, for which information submitted as part of a planning in application in 2016 for an extension to the public house (Ref. EDC/16/0034) indicated that the highway impact upon the surrounding area is minimal. By nature of the existing use, including consumption of alcohol and remaining at the premises for a longer period of time, customer travel to and from the public house is feasible by foot, public transport, or by parking off-site within a public car park (The Grove, Swanscombe) that is too far distant from the application site to realistically be used by customers for the shorter takeaway collection time.

2.2.13 The information provided within the appellant's statement of case therefore does not alter the LPA's position regarding refusal reason 2.

2.3 Refusal Reason 3 – Highways and Parking

2.3.1 A Technical Note by DHA Transport dated February 2021 is included with this statement in Appendix 2 and supplements the LPA's statement of case in relation to refusal reason 3. In particular the conclusion of the Technical Note in paragraph 1.3.2 reads as follows:

"Whilst the proposed on-site parking provision is considered reasonable with respect to staff and delivery drivers, the appellant has provided insufficient information with respect to likely customer demand."

It is considered therefore that the appellant has failed to demostrate the proposal would provide adequate customer parking to address the impacts set out in refusal reason 3.

2.3.2 In addition, responding to conclusion of the appellants transport statement of case, some travel to the premises by public transport could be anticipated such as on the way home from work. However as identified in paragraph 1.2.14 of the DHA Technical Note use of non-car modes, such as public transport and cycling, would be impractical for customers to carry hot food away from the premises. Specific customer journeys to the premises to collect food and return home would therefore most likely be carried out by private car unless customers live sufficiently close to the

site to travel by foot, with proportion of the latter reduced by location of the site outside of any centre.

2.3.3 Comments from the Local Highway Authority, Kent County Council (KCC) also do not provide any acceptance of there being sufficient car parking at the site, they simply state that as it is a change of use application they would not normally comment. KCC do however recommend a Traffic Regulation Order (TRO) for double yellow lines in vicinity of the application site. However as identified in paragraph 1.2.12 of the DHA Technical Note, as TRO's are subject to their own application and consultation procedures outside of the planning process they cannot, therefore, be relied upon to mitigate the impacts of a development.

2.3.4 The LPA's suggested condition were the appeal to be allowed is that a TRO for double yellow lines would be necessary to provide some form of parking deterrent in vicinity of the site. However, the short-term nature of customer visits and late evening operation would both restrict effective parking enforcement, therefore the LPA do not consider that even were the application to be successful that a TRO would satisfactorily address the concern of customers parking directly outside the premises. A TRO on the public highway would also not prevent indiscriminate customer parking within privately managed parking spaces in All Saints Close, creating amenity impacts to those residents.

2.3.5 Paragraph 9.2.3 of the Officer's delegated report provides information on the car parking standard within EDC's Sustainable Travel Strategy. The LPA would additionally clarify that this lower standard, which the proposal does not meet in any case, is predicated upon proposals employing a range of sustainable travel initiatives. Such initiatives have not been demonstrated to support a lower parking provision, than that set out the adopted Dartford Parking Standards SPD, being applied to the proposal.

2.3.6 The information provided within the appellant's statement of case and supporting transport statement of case therefore do not alter the LPA's position regarding refusal reason 3.

3.0 CONCLUSION

3.1 The LPA's opinion is that the refusal reasons are well founded, that the appellant's statements of case have not overcome these, and that there are no other material considerations to outweigh the harm that would be caused by the appeal proposals. Accordingly, the Inspector is respectfully requested to dismiss this appeal.

3.2 However, if the Inspector is minded to allow the appeal it is requested that conditions for the following be imposed:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and pursuant to any planning conditions contained hereinafter:

- Drawing no. 001 Rev. A - Site Location Plan / Existing Site Plan
- Drawing no. 002 Rev. A – Existing Basement and Ground Floor Plans
- Drawing no. 003 Rev. A - Existing First and Second Floor Plans
- Drawing no. 004 Rev. A - Existing Elevations
- Drawing no. 005 – Proposed Site Plan
- Drawing no. 006 – Proposed Basement and Ground Floor Plans
- Drawing no. 007 - Proposed First and Second Floor Plans
- Drawing no. 008 - Proposed Elevations

Reason: For the avoidance of doubt and to ensure a satisfactory form of development.

3. During the enabling, demolition and construction phase of the development, the hours of working, including deliveries and collections to and from site, shall be restricted to:
    - Monday to Friday 08:00 - 18:00
    - Saturday 08:00 - 13:00
    - No work on Sundays or Public Holidays.

    Reason: To safeguard living conditions of residents living in close proximity to the site in accordance with Dartford Development Policies Plan Policy DP5.

4. The use hereby permitted shall only operate between the following hours:
    - Monday to Friday 10:30 - 23:00
    - Saturday 10:30 - 23:00
    - Sundays and Public Holidays 11:00 – 22:00

    Reason: To safeguard living conditions of residents living in close proximity to the site at times when background noise levels are reduced in accordance with Dartford Development Policies Plan Policy DP5.

5. Prior to installation on the building of any plant (including extraction, ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission, details shall have been first submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall include, but not be limited to, the following:
    - the proposed form, appearance and external materials to be used;
    - a noise and vibration assessment of the plant and ducting system; and
    - an odour and noise control scheme including:
        - The position of the flue in relation to neighbouring properties and window openings;
        - Details of proposed routine cleaning and maintenance of the system, and the service requirements of the installed odour control system, including details of system access panels and confirmation that they will be grease tight;
        - Details of the type of food to be cooked, the cooking time per day; and the type of cooking appliances used; and
        - The manufacturer's specification/data sheets for any odour control elements of the system.

    Plant and ducting shall be installed in its entirety in accordance with the approved details prior to the first use of the premises as a hot food takeaway and maintained and operated in accordance with the odour and noise control scheme.

Reason: In order to ensure an acceptable standard of development upon completion, to safeguard designated heritage assets, and in the interests of protecting amenity in accordance with accordance with Dartford Development Policies Plan Policies DP2, DP5, DP12 and DP13.

Informative: The applicant should be directed to guidance document: Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs.

6. Prior to first use of the building as a hot food takeaway an Operational Management Plan (OMP) shall be submitted detailing the following:

    - Measures to control anti-social behaviour, noise, disturbance, and littering
    - Mitigation of air quality impacts
    - Delivery arrangements including the type of vehicles used
    - Proposed signage directing customers to the rear parking area of the site and measures that will be taken in the event of customer parking taking place within public highway adjoining the application site, entrance of the Galley Hill Trading Estate and within All Saints Close, Swanscombe.
    - Measures for Monitoring and Review

    The development shall thereafter be operated in accordance with the approved OMP and the approved signage shall be maintained and remain in place at all times whilst the building operates as a hot food takeaway. A review of the effectiveness of the OMP shall be submitted to the Local Planning Authority for approval within 12 months of first use of the building as a hot food takeaway and thereafter annually for a period of 5 years. Any further measures approved shall be implemented in accordance with the approved details.

    Reason: To safeguard amenity of nearby residential and commercial occupiers in accordance with Dartford Development Policies Plan Policy DP5 and National Planning Policy Framework paragraph 180.

    Informative: Proposed signage may also require separate approval by the Local Planning Authority under the Advertisement Regulations 2007.

7. Prior to first use of the building as a hot food takeaway a Traffic Regulation Order (TRO) to implement Double Yellow Line parking restrictions in the immediate vicinity of the site shall have first been implemented in accordance with details agreed with the Local Highway Authority.

    Reason: To ensure the free flow of traffic on the highway and to minimise the impact on amenity of local residents and commercial occupiers within vicinity of the application site in accordance with Dartford Development Policies Plan Policies DP3, DP4 and DP5.

8. Prior to first use of the building as a hot food takeaway the vehicle parking spaces and turning areas shown on drawing no. 005 – Proposed Site Plan shall be provided and retained at all times and only be used for their intended purpose. No development whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any provision equivalent to that Order revoking and re-enacting

that Order with or without modification, shall be carried out on the site in such a manner or in such a position as to preclude the use of or access to the reserved vehicle parking spaces and turning areas.

Reason: To ensure the free flow of traffic on the highway and to minimise the impact on amenity of local residents and commercial occupiers within vicinity of the application site in accordance with Dartford Development Policies Plan Policies DP3, DP4 and DP5.

9. Prior to the installation of any external lighting, other than temporary construction lighting, details of its design, siting and operation shall be submitted to and approved in writing by the Local Planning Authority pursuant to this condition and the works shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard amenity of nearby residential and commercial occupiers in accordance with Dartford Development Policies Plan Policy DP5 and National Planning Policy Framework paragraph 180.

APPENDIX 1 – DARTFORD BOROUGH COUNCIL LETTER DATED 15 FEBRUARY 2021

DARTFORD BOROUGH COUNCIL

The Planning Inspectorate
By email to
RT1@planninginspectorate.gov.uk

Please ask for: Steven Bell
Direct Line: [redacted]
Direct Fax: [redacted]
E-mail: [redacted]
DX: 142726 Dartford 7

Your Ref: APP/J2285/W/20/3259455
Our Ref: 20/00546/EDCCON

Date: 15th February 2021

Dear Sirs,

Appeal in respect of The George & Dragon, 1 London Road, Swanscombe DA10 0LQ

I refer to the appeal submitted in respect of the refusal issued by the Ebbsfleet Development Corporation (EDC) in relation to an application for Change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct.

This application site falls within the Borough of Dartford, although this application fell within the area for which the EDC are currently the Local Planning Authority for most applications. Dartford Borough Council (DBC) were consulted on the application and objected to the proposals in their letter of the 8th June 2020.

The Council's concerns were set out in the above letter but the purpose of this letter is to provide further comments on the concerns raised by DBC, which were reflected in the refusal of the application by the EDC.

The application seeks consent for a change of use form Class A4 to Class A5. The principle policies to be considered are Polices DP19 & DP21 of the adopted Local Plan (The Development Policies Plan (DPP)).

Policy DP21

Policy DP21 relates to community facilities. Part 2 states:

"Development of existing community facilities/ land (as defined in the glossary) for non-community purposes will not be permitted unless there is clear evidence that:

a) the facility is shown to be not needed by the community (both current and future planned users), and
b) all reasonable efforts have been made to preserve a community use, including exploration of appropriate solutions to retain the facility with operators/ service providers and where appropriate the local community. Consideration should include any potential

future demand arising from new development located within the catchment area of the facility/ use.

The supporting text in paras 14.4, 14.5 and the glossary (see below) make clear that communities facilities include pubs. Further supporting text in paras 14.8-14.10 set out further information on how part 2 of policy DP21 will be applied."

Community Facilities are defined in the glossary as follows:

"Community Facilities: Community facilities encompass public, private and voluntary sector buildings and spaces used for a variety of purposes including social, health, education, cultural, spiritual and sports uses that support vibrant communities. It includes identified for the provision of such buildings and spaces in future. Buildings used for local retail or leisure services such as convenience shops and pubs may qualify, especially in rural areas. See paragraphs 14.4 and 14.5."

In terms of policy DP21:2a (and supporting paras 14.8 and14.9), it is noted that para 6.8 of the appeal statement refers to the presence of three alternative pubs in Swanscombe, including The Wheatsheaf which is within 750m of the site and currently closed. I do not consider that this provides sufficient evidence to demonstrate that the existing public house facility is not needed. No local needs studies or calculations have been submitted which fully consider:

- The size, range and quality of existing facilities, specialist provision, accessibility and catchment
- The importance of the facility in meeting the needs of all or specific sections of the community taking into account current comparable provision, established benchmarks and robust assessments of need
- Whether the particular need/ demand addressed by the facility can be adequately met by another existing or replacement comparable facility within reasonable distance of the existing catchment.

In addition to the reference by the appellant to the closed pub, the Inspector should also be aware of the following Public Houses in Swanscombe which have been converted over past 10 years:

The Alma 18/01002/OUT: Outline application (consideration of access, appearance, layout and scale only) for erection of a 3 storey building with basement to be used as a 13 bedroom House in Multiple Occupation with communal facilities, bins and bike store.

The Morning Star 11/01616/FUL: Erection of single storey rear extensions, first floor side and rear extensions and alterations to roof to form hip ends for conversion of existing public house into 4 x1 bed flats and 2 x 2 bed flats with associated alterations to elevations, parking and bin stores.

The Blue Anchor 09/00501/FUL: Demolition of existing public house and erection of 8 No. 3 bedroom terraced houses and 1 No. 3 bedroom detached house with associated parking.

In relation to policy DP21:2b (and supporting para 14.10), there appears to be no evidence to suggest that all reasonable efforts have been made to preserve the community use, including exploration of appropriate solutions to retain the facility with

operators/ service providers and where appropriate the local community. Indeed, the level of objection to the proposals from residents and from Swanscombe and Greenhithe Town Council indicates that there is significant objection to the proposed loss of this public house. As a minimum, I would have expected the applicant to approach Swanscombe and Greenhithe Town Council, Kent County Council and the Clinical Commissioning Group to understand whether these organisations consider that there may be any potential for the existing use of the site to be retained or otherwise used for other community facilities, including ways in which this could be implemented. I feel that it is also of significant importance to the appeal that the application was submitted after the appellant took ownership of the premises. The Council's letter of the 8th June 2020 refers to this and DBC consider it an important issue worthy of re-emphasising and consider that this is also linked to the lack of adequate marketing information submitted by the appellant.

Paragraph 14.10 of Policy DP21 refers to the need for sufficient effective marketing and the full definition of this is included in the glossary as follows:

"To be sufficient for the purposes of this plan "effective marketing" means continuous proactive marketing for an appropriate period, but not exceeding 12 months, using a professional agent and an appropriate range of on line, on site and other advertising media. The asking price should, throughout the 12 month period, be shown to be reasonable for the property and location, and to reflect the market value of the uses currently required under policy. In District and Neighbourhood Centres if the latest AMR indicates the relevant centre has a vacancy level exceeding 10%, then a sufficient effective marketing period of 6 months or more would be acceptable."

The implication is from the above is that properties will be marketed for 12 months.

The applicant sent a number of letters from Sidney Philips which list the methods used to market the site. This does not include any detail or verification in relation to this marketing. For example, it does not include information from the websites, photos of the for sale sign, details of the e-marketing campaigns or sales details sent in response to enquiries. It is also not clear how long the site has been marketed for. A quick search of Zoopla and Rightmove (on 3 February 2021) appears to show that the property is not currently being marketed via those mediums. It is also not clear that the rate at which the unit has been marketed is reasonable for a site in this location and of this size. It is for the appellant to demonstrate that adequate marketing has been undertaken but the Council do not consider that to be the case in this instance.

<u>Policy DP19</u>

Policy DP19:2 states that:

"The Local Planning Authority will seek to prevent the inappropriate location or clustering of takeaway premises. Takeaways (Class A5) will normally be permitted only within the development plan's network of designated centres; and permission will not normally be permitted for an A5 units adjacent to an existing or permitted A5 unit (other than at Bluewater)."

The reason for the policy focus for hot food takeaways in designated centres is that they can have a range of adverse impacts. This includes disturbance to residents from people using the premises and issues of traffic and illegal parking. The designated centres

already contain premises which attract people and traffic so focussing the location of hot food takeaways in these areas is likely to have less impact in already busier areas than locations outside the centres. The provision of facilities in such areas will also ensure that they are more appropriately located to serve the surrounding community rather than outside the local centre such as this site. The location means that it will not be attractive to local residents to walk to the premises.

This site is located on a main arterial route through the area and at a traffic light controlled junction. Take-away premises are notorious for resulting in ad-hoc parking, with drivers parking for short periods where they would not park for longer term stays. This issue needs to be considered in conjunction with the concerns about ability to use the service access to the premises and also with regard to the chart in the appellant's transport statement and the table provided on p4 with regard to the percentage of take-out transactions. Whilst many customers will have their food delivered, this still requires a delivery vehicle (car or bike) to call at the premises. The visitors by these delivery drivers are likely to be frequent by their very nature and also short term. This raises a high-probability that ad-hoc parking will take place rather than parking in designated parking areas or areas that would not affect the traffic flow at this junction.

Whilst DPP policies are referred to above and in the reason for refusal, Dartford are producing a Local Plan to guide future investment in Dartford and key planning and infrastructure decisions to 2036. The plan is about creating a Dartford where people are proud to live, work and call home. Since the application was refused, progress has been made on the plan. The Regulation 19 plan was approved as a material consideration for planning purposes by the Council on 1st February 2021 and it is expected that the consultation period will commence on February 26. The Development Policies Plan was relatively recent having been adopted in July 2017 and the new plan effectively rolls forward much of the DP Plan and DPP policies referred to in this appeal. Appendix A of the new plan confirms that draft Policy M24 is a direct successor to Policy DP19. A copy of draft Policy M24 and the appendix referred to is attached to this letter. I would also add that the 2017 DPP was adopted following introduction of the NPPF and subsequent changes to the NPPF have not affected any of the relevant policies.

The Council therefore consider that there are significant policy conflicts with this application and practical issues with regard to highways and parking concerns. The Inspector is therefore respectfully requested to dismiss this appeal.

Yours faithfully,

[redacted]

Steven Bell
Major Projects Team Leader

Appendix A

DARTFORD LOCAL PLAN
TO 2037

Pre-Submission (Publication) Document
February 2021

DARTFORD BOROUGH COUNCIL

5.195 The policy will apply to addresses listed in Appendix D / shown on the Policies Map, and new centres planned at Ebbsfleet (shown on the Key Diagram); performance will be monitored accordingly. The planned new centres should be built out and managed to fulfil their expected role. At all centres, if provision of key uses is moderately below the amount set in policy this does not automatically justify alternative uses. Residential use above and potentially behind ground floor shops is likely to be appropriate, with considerations including provision of suitable access and refuse collection arrangements.

Food/ drink establishments

5.196 Food and drink uses are generally promoted in the network of retail centres. However some uses, especially evening-focused activities such as hot food takeaways, drinking establishments or nightclubs, or where located in less urban locations (particularly outside the retail centres), can have an adverse impact on residential amenity. Policy M24 sets out criteria in this regard.

5.197 In recognition of their history and community value, public houses now benefit from increased planning protection. The Local Plan protects pubs proposed to be lost to non- essential community use unless they have been demonstrated to be unviable as a public house or essential community (F2) use.

Policy M23: District and Local Centres

1. Mixed use development within District and Local Centres will be acceptable where:
   a) At ground floor level, one or more viable modern commercial/ community units are provided for suitable active uses in line with criteria 2 or 3 as applicable below, and is of proportionate scale and form to the vitality and purpose of the centre (see Table 6); and
   b) It is demonstrated to improve the local environment of the centre.

   District Centres

2. Change of use for Class E, F or service sui generis use will be permitted at District Centres unless:
   a) the proposed development would result in less than 50% of the ground floor units in the existing Centre being retained within Class E and F use; or

b) the existing unit is vacant and has been demonstrated to be not viable for Class E, F or service sui generis use through sufficient effective marketing.

Local Centres

3. Change of use will be permitted where two or more units within Class E or F2 are to be retained within the Centre and:
   a) the prospective activity is not already provided within the centre, and is non-residential; or
   b) the existing unit is vacant and has been demonstrated to be not viable for any Class E use through sufficient effective marketing.

Policy M24: Food and Drink Establishments

1. Hot food takeaways, nightclubs, bars and public houses will only be permitted where the following criteria are met, taking account of potential cumulative impacts:
   a) there will be no material detrimental effects on the residential amenity of neighbours;
   b) there will be no material detrimental effects on the local environmental quality as a result of noise, vibration and smells; and
   c) access, servicing and parking arrangements for the proposal do not result in an adverse material impact on the safety and traffic flows or cause unacceptable increases to traffic and parking.

2. The local planning authority will seek to prevent the inappropriate location or clustering of takeaway premises. Hot food takeaways will normally be permitted only within the designated network of retail centres, and will normally be refused adjacent to an existing or approved hot food takeaway unit (other than at Bluewater).

The proposed loss of public houses in the Borough will only be permitted with sufficient effective marketing of the premises demonstrating it is not viable as a public house or for local community (Class F2) use.

APPENDICES

Appendix A – Replacement of previous policies

APPENDIX A: Continuity between existing and new policies

Core Strategy 2011 policies (and directly related Development Policies 2017 policies)			**w plan:** ncipal policy references
Policy number	Name	Directly related DP policies	
CS1	Spatial Pattern of Development	-	**S1**
CS2	Dartford Town Centre	DP14-16	**D1-7**
CS3	Northern Gateway Strategic Site	-	**D7, M21**
CS4	Ebbsfleet to Stone Priority Area	-	**S1, E1, E2, E5**
CS5	Ebbsfleet Valley Strategic Site	-	**E5**
CS6	Thames Waterfront	-	**S1, M4, E6**
CS7	Employment Land and Jobs	DP20	**M19, M20**
CS8	Economic Change	-	**S1**
CS9	Skills and Training	-	**M20**
CS10	Housing Provision	DP6	**S1, S4, M9**
CS11	Housing Delivery	-	**S2, S4**
CS12	Network of Shopping Centres	DP14	**S1, M19, M22-25**
CS13	Green Belt	DP22	**M13**
CS14	Green Space	DP24	**M14**
CS15	Managing Transport Demand	DP3, DP4	**M16, M17**
CS16	Transport Investment	DP3, DP4	**M16, M17**
CS17	Design of Homes	DP8	**M1, M10**
CS18	Housing Mix	DP8	**M8, M10**
CS19	Affordable Housing	DP9	**M7**
CS20	Gypsies and Travellers	DP10	**M13**
CS21	Community Services	DP21	**S2, M18**
CS22	Sports, Recreation and Culture Facilities	-	**M14, M18**
CS23	Minimising Carbon Emissions	-	**S3, M3**
CS24	Flood Risk	-	**S3, M4**
CS25	Water Management	DP11	**M4**

■ CS26	Delivery and Implementation	DP1	■ **S2**
Selected Development Policies 2017 policies (less closely related to CS policies)			**w plan:** principal policy references
Policy number	Name		
■ DP2	Good Design in Dartford		■ **M1**
■ DP5	Environmental and Amenity Protection		■ **M2**
■ DP7	Borough Housing Stock and Residential Amenity		■ **M11**
■ DP11	Sustainable Technology and Construction		■ **M3**
■ DP12	Historic Environment Strategy		■ **M6**
■ DP13	Designated Heritage Assets		■ **M5**
■ DP18	Neighbourhood Centres		■ **M23**
■ DP19	Food and Drink Establishments		■ **M24**
■ DP23	Protected Local Green Space		■ **M13**

APPENDIX 2 – DHA TRANSPORT TECHNICAL NOTE DATED FEBRUARY 2021

TRANSPORT TECHNICAL NOTE

Site: The George and Dragon Public House, Swanscombe

Client: Ebbsfleet Development Corporation

Prepared by: DHA

Date: February 2021

1.1 Introduction

1.1.1 This Transport Technical Note (TN) has been prepared by DHA on behalf of Ebbsfleet Development Corporation (EDC) in relation to the proposed redevelopment of the George and Dragon Public House at Swanscombe, near Dartford. A planning application has been submitted to EDC for the change of use of the site from a public house (Use Class A4) to a pizza delivery and takeaway (Use Class A5) (Planning Application Reference: EDC/19/0203).

1.1.2 In June 2020, DHA were commissioned by EDC to review the proposed on-site parking provision and advise as to its adequacy. The following recommendation was made following this review:-

> *"Based on the information presented, it is not possible to confirm the appropriateness of the proposed on-site parking provision. As such, it is recommended that a 'first principles' assessment of the likely peak order periods (for both deliveries and collection) and the associated parking demand is completed. This will enable an informed decision to be taken on this aspect of the scheme."*

1.1.3 The application was subsequently refused by EDC on 15th June 2020. The third reason for refusal relates to parking and states the following:-

> *"The proposal has not demonstrated that adequate provision for customer parking could be provided at the site in addition to staff parking. This would likely result in unacceptable adverse impacts upon the transport and access conditions within the surrounding area, unacceptable increases to on-street parking, and give rise to noise and disturbance impacting residential amenity in the immediate area, contrary to policies DP3, DP4, DP5 and DP19 of the Dartford Development Policies Plan July 2017."*

1.1.4 It is understood that the applicant has since submitted an appeal to the Planning Inspectorate. This TN reviews the information submitted in support of the appeal to justify the on-site parking provision.

1.2 Transport Statement of Case

1.2.1 In relation to Policy DP3 of Dartford Borough Council's Development Policies Plan (2017), the Transport Statement of Case confirms that the end occupier of the site

will be Domino's Pizza and utilises information from the company's Northfleet branch, which is stated to have similar characteristics to the proposal site in terms of anticipated operations.

1.2.2 It is noted that the Northfleet branch does not benefit from dedicated parking; however, it is apparent that a communal parking area is provided for the shops located in the vicinity. Use has been made of the branch's sales data in the Transport Statement of Case to provide an understanding of typical trip attraction. Detailed transaction information could not be provided for commercial confidentiality reasons; however, on average between January and March 2020, approximately 23.6 per cent of all transactions were from customers who collected their order from the branch, with the remainder being delivered.

1.2.3 The Transport Statement of Case further notes that Friday is typically the busiest day for sales and that 51 per cent of daily orders take place during the evening peak period (between 18:00 and 20:30). It is stated that, during the Friday peak period, 14 per cent of these orders are collected, though not all of them will involve car-based trips, as some local customers walk to the branch to collect their order.

1.2.4 It is evident from this information that relatively few orders are collected by customers; however no specific numerical data is provided by the appellant. As such, it is not possible to quantify the likely parking demand in this case.

1.2.5 In terms of staffing levels, during the aforementioned peak period, a total of seven staff are anticipated to work at the branch plus eight delivery drivers. The Transport Statement of Case notes that due to the likely demographic of on-site employees, many would be younger and therefore driven to the branch by family members, which is considered to be a reasonable assumption. It is further stated that where possible, employees will reside within the local area, thereby reducing the need for private vehicle travel altogether.

1.2.6 Three delivery drivers would arrive at the branch prior to 17:30, with the remaining five arriving at 17:30. The Transport Statement of Case notes that drivers are generally on-site for only two-to-three minutes and that their arrival at 17:30 falls outside of the customer peak period.

1.2.7 During the course of their shift, delivery drivers make multiple deliveries and the Transport Statement of Case contends that it is rare for as many as three or four of them to be at the branch at any one time. This is considered to be a reasonable assumption given the significant proportion of orders that are delivered.

1.2.8 The Transport Statement of Case goes on to note that assuming a 'worst case' scenario of staff and delivery drivers parking three vehicles each, this would leave three spaces for customers. There would in fact be two free spaces of the eight proposed in this case.

1.2.9 Supporting evidence is presented from an appeal decision relating to a proposed Domino's Pizza branch in Treorchy, Wales, where it was accepted that between two and three parking spaces would be required at any one time to accommodate the anticipated customer parking demand in that case.

1.2.10 Single yellow line parking restrictions (rather than double yellow lines, as asserted in the Transport Statement of Case) are present on Swanscombe High Street in the vicinity of the signal-controlled junction adjacent to the appeal site. These restrict parking between 08:00 and 18:30, which falls outside of the aforementioned customer peak period. No further parking restrictions are in place locally.

1.2.11 Reference is again made to the Treorchy appeal decision in this regard, where it was acknowledged that: "*…because of the busy traffic flows on High Street and having regard to the signal controlled junction, it would be clearly obvious to most drivers that parking on the restricted sections of the highway would cause serious obstruction to the free flow of traffic in an illegal and anti-social manner. In my view, this would be a significant deterrent for most drivers*." As detailed above, no parking restrictions are in place within the immediate vicinity of the site beyond 18:30 (the peak times for the proposed use) and on approach to the junction, two lanes are provided, allowing sufficient space for through traffic to pass a waiting vehicle if necessary. Within the wider vicinity of the site, parking opportunities are constrained by double yellow line restrictions. The on-street capacity that is available appears to be well utilised by existing residents during the evening, particularly on All Saints Close which lies in close proximity to the site. This further underscores the need for detailed justification by the appellant for the on-site parking capacity proposed.

1.2.12 It is noted that Kent County Council Highways and Transportation (KCC H&T) has recommended that the installation of double yellow line restrictions be secured via a Traffic Regulation Order (TRO) funded by the applicant. This is considered to be a reasonable request in light of the limited parking restrictions generally in the vicinity of the site, and would act to encourage the use of the on-site car park assuming that adequate capacity is available. It is noted that TRO's are subject to their own application and consultation procedures outside of the planning process and cannot, therefore, be relied upon to mitigate the impacts of a development.

1.2.13 The Transport Statement of Case concludes that the proposed on-site parking provision is adequate to meet anticipated demand. Whilst this conclusion is considered reasonable with respect to on-site staff and delivery drivers, the appellant has provided insufficient information to support this contention with respect to customers.

1.2.14 With regard to Policy DP4 for the Dartford Borough Council Development Policies Plan (2017), the Transport Statement of Case describes the accessibility and sustainability of the site's location with respect to bus and train services, as well as pedestrian infrastructure. It is accepted that the site is sustainably located in transport planning terms, with adequate opportunities for non-car trips to be made generally. However, in light of the nature of the proposed use, it is considered highly unlikely that a significant proportion of customers would collect their orders via public transport modes, with either walking or driving likely to form the most viable means of transport. Moreover, the existing footways to the south of the site vary in width, with a pinch point noted to the south of the railway bridge, which may deter some walking trips to the site, potentially increasing the likelihood for customer collection by the private vehicle, further emphasising the need for due consideration of the onsite parking provision.

1.2.15 In terms of servicing, the Transport Statement of Case notes that this will be undertaken from the kerbside, in a manner similar to that of the extant public house. No objections have been raised in this regard and for these reasons it is considered to be an appropriate arrangement.

1.2.16 With respect to the Dartford Borough Council's Parking Standards (2012), it is noted that up to 34 car parking spaces could be provided for the proposed development. The Transport Statement of Case notes that within the A5 Hot Food Takeaway land use category, the nature of the constituent uses varies considerably. Clearly due consideration of the end operator must be given in this respect, as per the approach taken in the Transport Statement of Case, which is considered reasonable in principle.

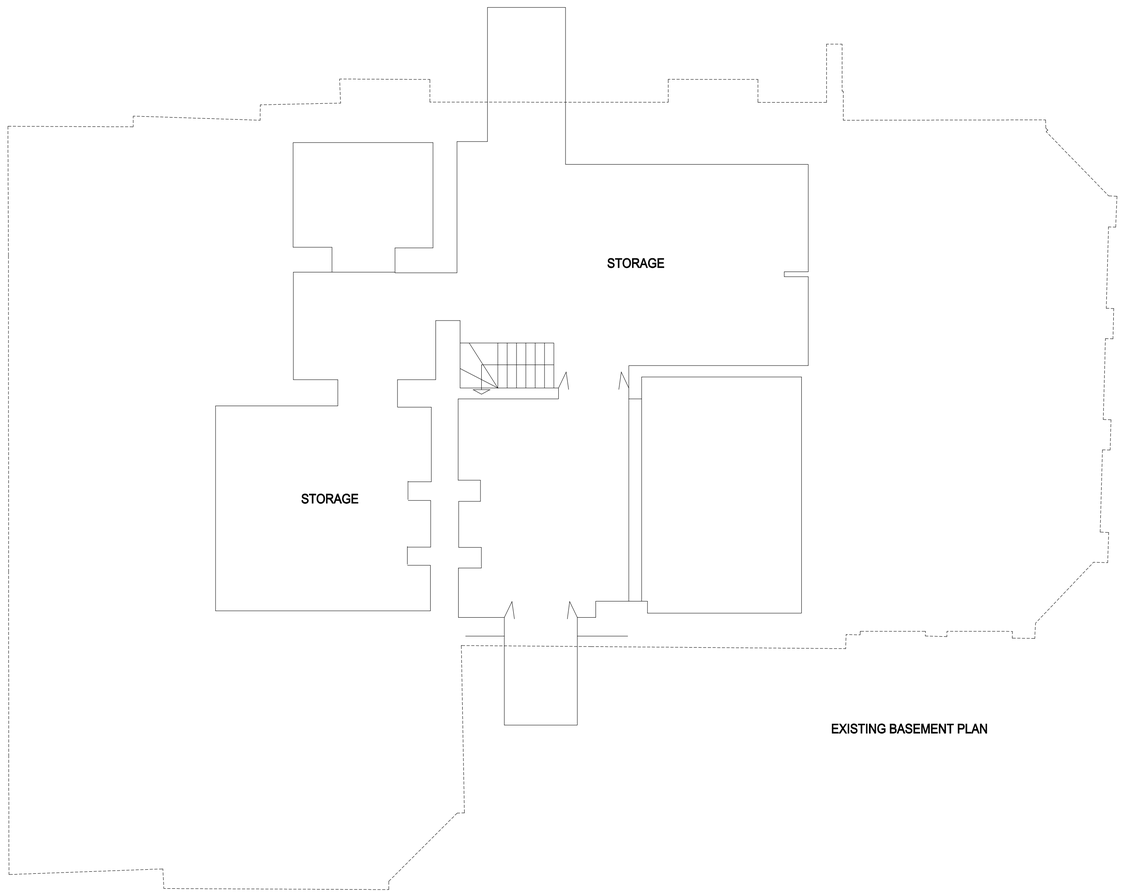
1.2.17 For the remaining planning policies noted, specifically DP5 and DP19, the appellant's Transport Statement of Case provides no further information beyond that detailed above.

1.3 Conclusion

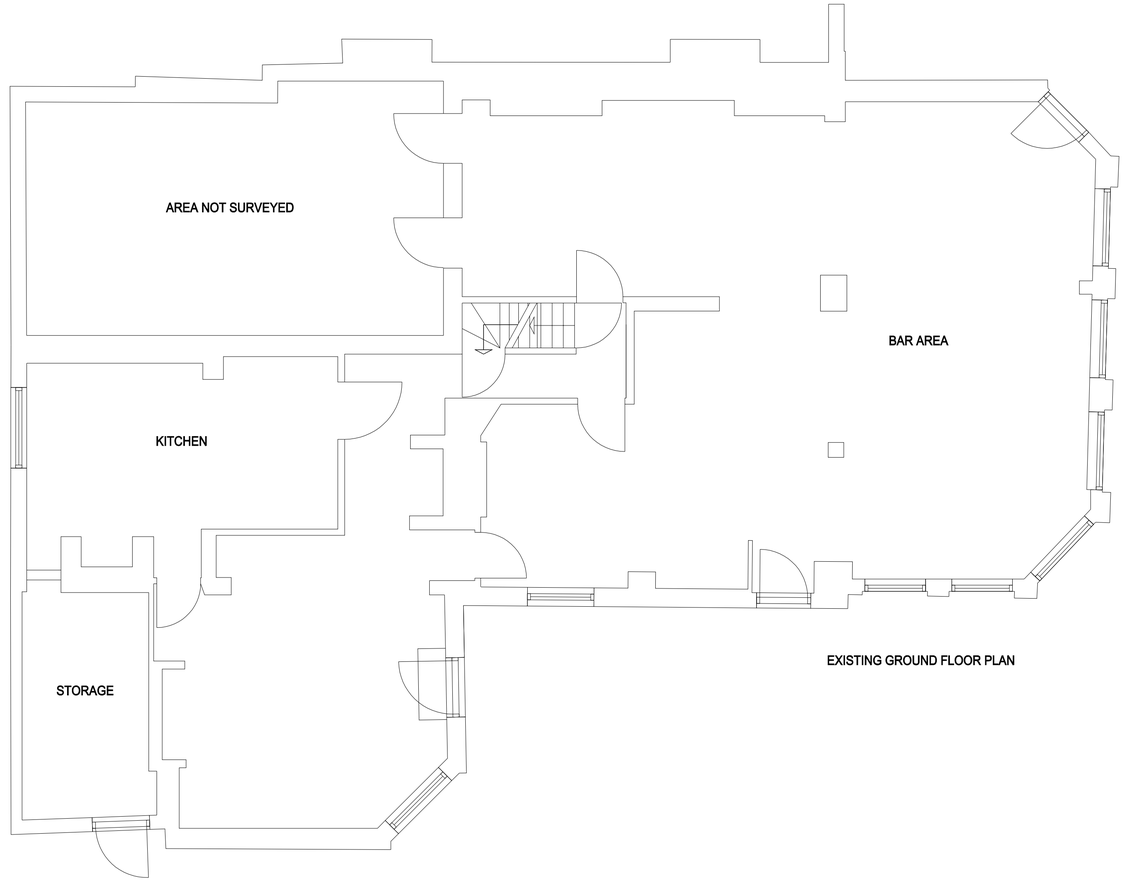
1.3.1 This Transport Technical Note (TN) has been prepared by DHA on behalf of Ebbsfleet Development Corporation (EDC) in relation to the proposed redevelopment of the George and Dragon Public House at Swanscombe, near Dartford. An appeal has been submitted to the Planning Inspectorate following EDC's refusal of a planning application for the change of use of the site from a public house (Use Class A4) to a pizza delivery and takeaway (Use Class A5) (Planning Application Reference: EDC/19/0203). The third reason for refusal concerns the adequacy of car parking provision.

1.3.2 Whilst the proposed on-site parking provision is considered reasonable with respect to staff and delivery drivers, the appellant has provided insufficient information with respect to likely customer demand.

1.3.3 It is considered that the site is sustainably located in transport planning terms and that the proposed servicing arrangement would be appropriate.



EXISTING BASEMENT PLAN



EXISTING GROUND FLOOR PLAN

0m 1m 2m 3m 5m 10m

N

© The Copyright of this drawing remains with William Cook Associates and is not to be reproduced without written approval. Dimensions are not to be scaled from this drawing. The Contractor is to check all dimensions on site and report any discrepancies to the Contract Administrator. This drawing is to be read in conjunction with all other standard documentation. If in doubt, ASK.

Notes :

Rev.	Description	Date	By

Client :
Mr A Mumtaz

Project No :
19007

Project :
The George and Dragon Public House
London Road
Swanscombe
Kent
DA10 0LQ

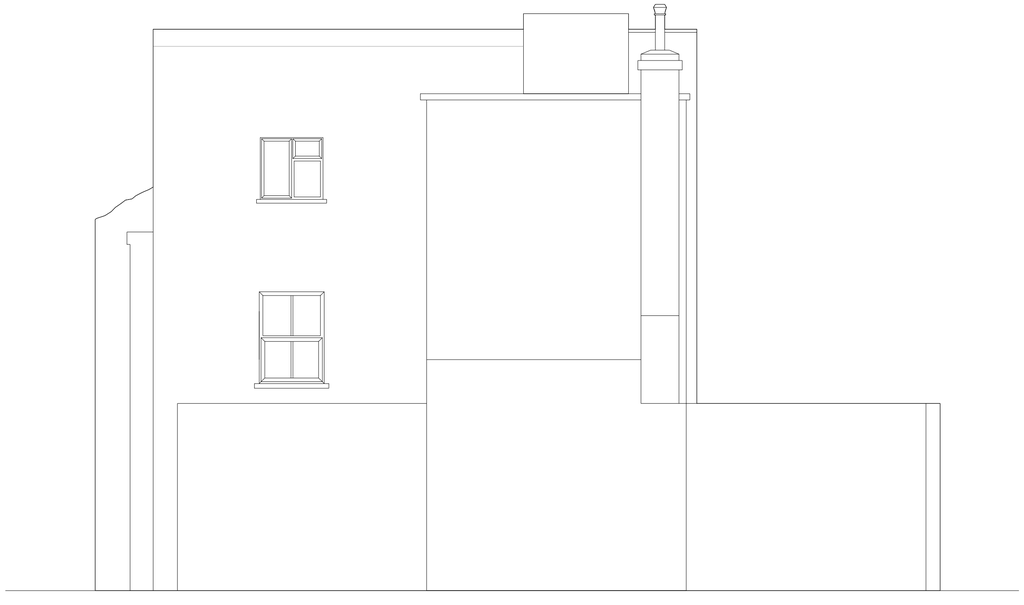
Drawing Title :
Basement / Ground
Floor Plans

Drawn by : LS
Checked by : SIB
Date : October 2019
Scale @ A1: 1:50
Status: PLANNING
Drawing No : 002
Rev. No :

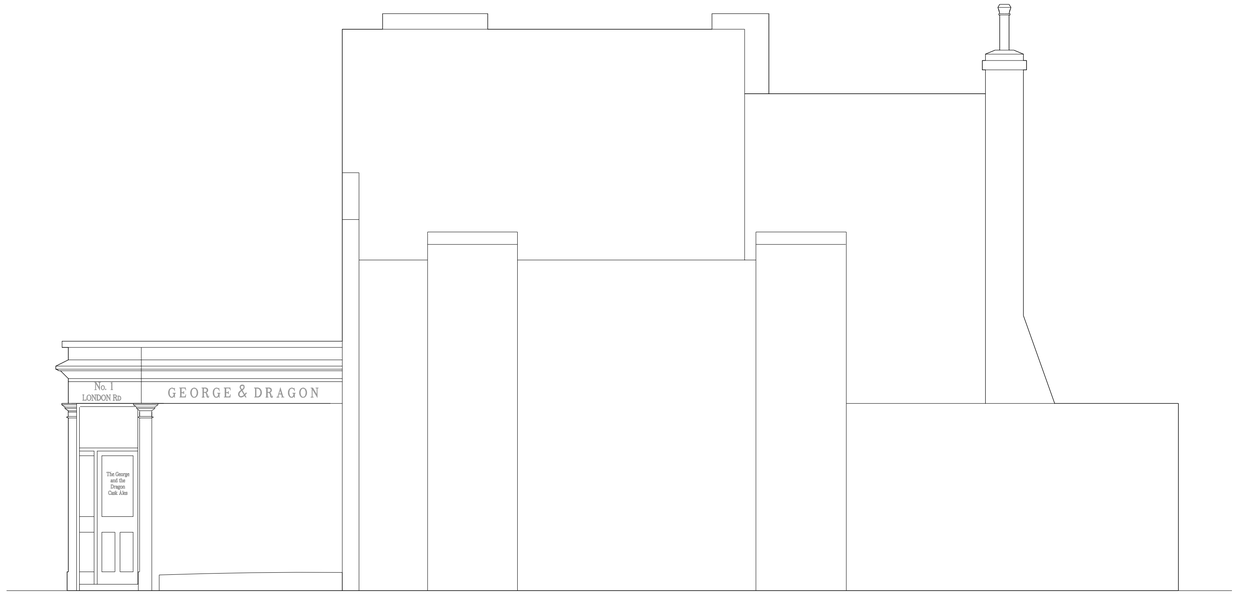
Cook Associates Architects I Engineer
Capital House, 3 Jubilee Way, Faversham, Kent, ME13 8GD
T: + 44 (0) 1795 532834 E: mail@cook-design.com W: www.cook-design.com

EXISTING NORTH ELEVATION

EXISTING EAST ELEVATION



EXISTING SOUTH ELEVATION



EXISTING WEST ELEVATION

0m 1m 2m 3m 5m 10m

© The Copyright of this drawing remains with William Cook Associates and is not to be reproduced without written approval. Dimensions are not to be scaled from this drawing. The Contractor is to check all dimensions on site and report any discrepancies to the Contract Administrator. This drawing is to be read in conjunction with all other standard documentation. If in doubt, ASK.

Notes :

Rev.	Description	Date	By

Client :
Mr A Mumtaz

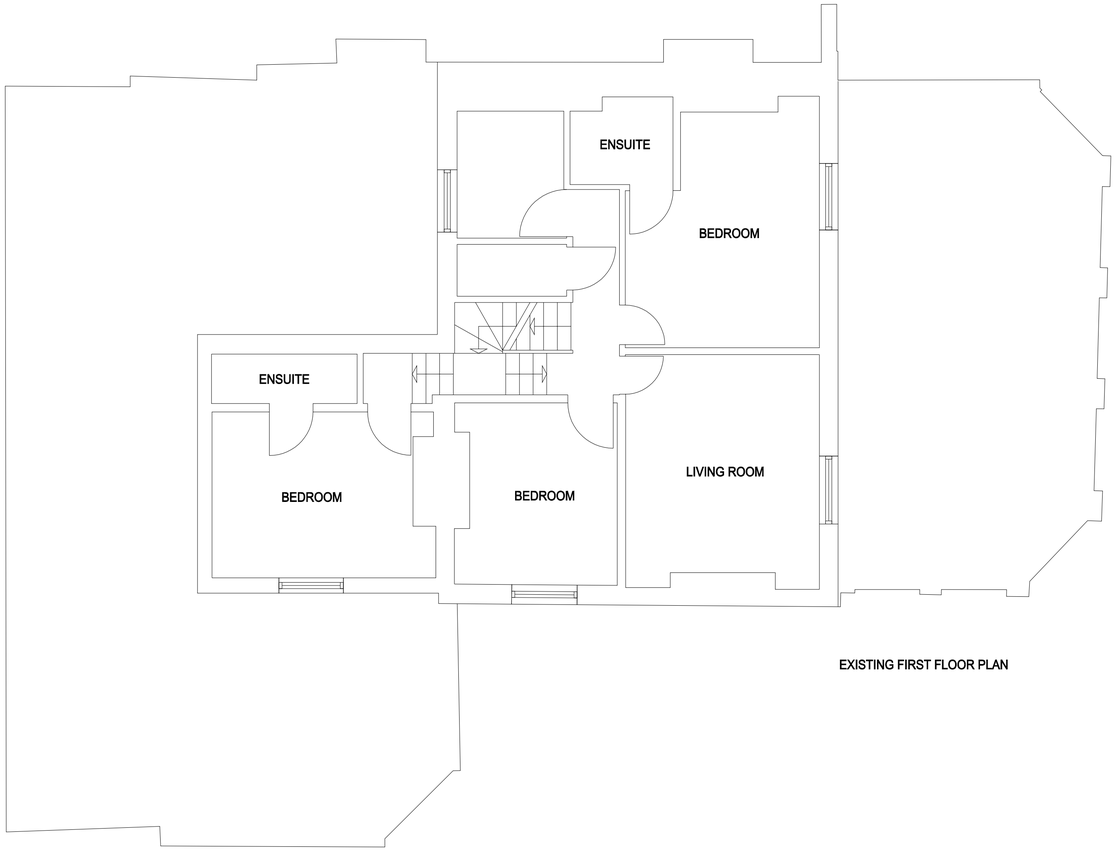
Project No :
19007

Project :
The George and Dragon Public House
London Road
Swanscombe
Kent
DA10 0LQ

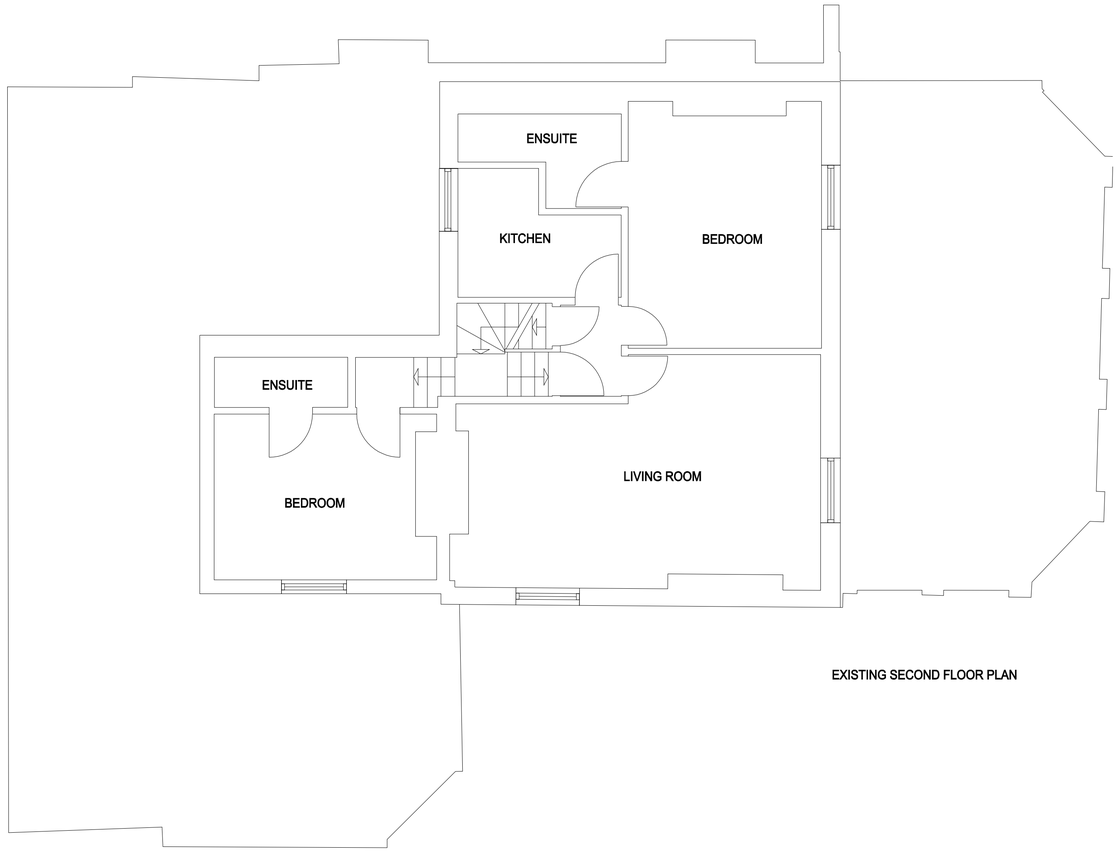
Drawing Title :
Existing Elevations

Drawn by : LS
Checked by : SIB
Date : October 2019
Scale @ A1: 1:50
Status: PLANNING
Drawing No : 004
Rev. No :

Cook Associates Architects I Engineers
Capital House, 3 Jubilee Way, Faversham, Kent, ME13 8GD
T: + 44 (0) 1795 532834 E: mail@cook-design.com W: www.cook-design.com



EXISTING FIRST FLOOR PLAN



EXISTING SECOND FLOOR PLAN

0m 1m 2m 3m 5m 10m

N

© The Copyright of this drawing remains with William Cook Associates and is not to be reproduced without written approval. Dimensions are not to be scaled from this drawing. The Contractor is to check all dimensions on site and report any discrepancies to the Contract Administrator. This drawing is to be read in conjunction with all other standard documentation. If in doubt, ASK.

Notes :

Rev.	Description	Date	By

Client :
Mr A Mumtaz

Project No :
19007

Project :
The George and Dragon Public House
London Road
Swanscombe
Kent
DA10 0LQ

Drawing Title :
First / Second Floor Plans

Drawn by : LS
Checked by : SIB
Date : October 2019
Scale @ A1: 1:50
Status: PLANNING
Drawing No : 003
Rev. No :

Cook Associates Architects I Engineers
Capital House, 3 Jubilee Way, Faversham, Kent, ME13 8GD
T: + 44 (0) 1795 532834 E: mail@cook-design.com W: www.cook-design.com

Site Location Plan 1:1250

N

0m 10m 25m 50m 100m 200m

18a

19

Shelter

MS

29.9m

GP

PC

29.8m

5

2

Galley Hill Trading Estate

The George and Dragon (PH)

ESS

1 to 14

1 to 2

Existing Site Plan 1:200

N

0m 2m 5m 10m 20m 40m

© The Copyright of this drawing remains with William Cook Associates and is not to be reproduced without written approval. Dimensions are not to be scaled from this drawing. The Contractor is to check all dimensions on site and report any discrepancies to the Contract Administrator. This drawing is to be read in conjunction with all other standard documentation. If in doubt, ASK.

Notes :

Rev.	Description	Date	By

Client : Mr A Mumtaz

Project No : 19007

Project : The George and Dragon Public House, London Road, Swanscombe, Kent, DA10 0LQ

Drawing Title : Site Location Plan, Existing Site Plan

Drawn by : LS

Checked by : SIB

Date : October 2019

Scale @ A1 : 1:1250 / 1:200

Status: PLANNING

Drawing No : 001

Rev. No :

Cook Associates Architects I Engineers

Capital House, 3 Jubilee Way, Faversham, Kent, ME13 8GD

T: + 44 (0) 1795 532834 E: mail@cook-design.com W: www.cook-design.com

EDC/19/0203 – The George & Dragon, London Road, Swanscombe.

No observations as an Ebbsfleet Development Corporation planning officer had advised the Town Council, 14 January 2020, that *"following review of the application this has now been made invalid. We are expecting further information to be submitted by the applicant".*

Comments for application EDC/19/0203 at The George And Dragon

Dear EDC,

The Town Council wish to object to the attached application on the following grounds:

Poor access - this appears to be over private land which raises concerns about its availability and suitability;

Inadequate parking provision - the proposed parking seems to be inadequate for the proposed use which will result in users parking anti-socially in the surrounding area which, in turn, will then have an adverse impact on the local roads and the busy junction the property is located on;

Increase of pollution - The Town Council have concerns regarding the detrimental effect the proposed use would have on both the air quality of the area and the addition to the noise pollution;

Extra litter in surrounding area - The proposed change of use will result in additional litter being deposited in/on the local roads and footpaths;

Out of keeping with character of area - the George & Dragon PH is a well-established community facility which provided a meeting place and focus for the locals and this historic use would be lost forever with the proposed change of use. This location is also one of the main entry points for Swanscombe and as such the location would not be suitable for this application;

Traffic / Highways - The proposal would result in an increase in vehicular movements in an area already suffering from high traffic volumes and congestion, the busy junction adjacent to the property, and on London Road, is already heavily used and has been the scene of numerous accidents. Kent Highways (KCC) have had to repair the island on numerous occasions and the property very recently had its side wall knocked over by a vehicle;

The Town Council do not feel that that there has been sufficient evidence of a need for the proposed use. There are already at least 5 takeaway food facilities in close proximity and the addition of another one would not only appear to be un-needed it would also go against the objectives of the Ebbsfleet Development Corporation wanting to promote Healthy Cities/Towns/Lifestyle?

The proposal would result in a loss of the areas amenity and have a negative impact on the character of the local area and also on the highway safety;

Whilst no longer located within the Dartford Borough Council planning area the Town Council would ask that confirmation is given that the application meets the principles of the Dartford Adopted Local Plan.

The sheer volume of responses to this applications consultation gives a very good indication on whether the application is wanted or needed by the local community and the EDC are asked to take this into account when considering this application.

Please acknowledge receipt of this objection by return email.

PROPOSED CHANGE OF USE APPLICATION, GEORGE AND DRAGON PUBLIC HOUSE, SWANSCOMBE – TRANSPORT NOTE – FEBRUARY 2020

Croft have been instructed by Zaan Ltd to advise on the traffic and transportation issues relating to the proposals for a change of use of the George and Dragon Public House from A4 (Public House) to a A5 Pizza Delivery and Takeaway unit (Restricted Use).

This Transport Note has been produced in support of the change of use application and will considered the following elements to assist the local highway authority with their determination of the planning application;

- Existing Site;
- Sites Accessibility by Non-Car Modes;
- Development Proposals;
- Car Parking;
- Travel Plan

Existing Site

The application site is located approximately 200 metres north of Swanscombe district centre, it is bound to the north by the A226 London Road and High Street to the east. The site is bound to the south and west by employment land-uses. The location of the site is displayed on **Plan 1**.

The site is currently occupied by the George and Dragon public house which has a gross internal area of 339.7sqm. The site benefits from parking to the rear, this is accessed off High Street via a shared access for the neighbouring industrial units. The parking is currently unmarked and therefore any parking would be adhoc which impacts on capacity.

The application site is located on the eastern corner of the signal controlled A226 London Road/High Street/Pilgrims Road junction. Traffic Regulations (TROs) in the form of double yellow marking are located on High Street along the entirety of the site's frontage, these are in operation between 0800 hours to 1830 hours Monday to Saturday to protect the operation of the signal controlled junction.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

These restrictions are also located on the eastern side of the High Street carriageway. No TRO's are located on the other arms of the signal controlled junction in the vicinity of the application site. But given the frontage of the site onto the A226 London Road is located within the signal junction itself, parking in this location is highly unlikely. To the east of the application site on the A226 London Road, parking restrictions are located in the bus layby, this TRO restrictions 'No Stopping Except Buses at All Times'.

Sites Accessibility by Non-car Modes

Pedestrian footways are located on either side of High Street and the A226 London Road within the vicinity of the site. The footways located on High Street provide access into the centre of Swanscombe and the surrounding residential areas whilst the footway provision on the A226 London Road provides access into Ebbsfleet to the east.

The 800 metre and 2 kilometre catchment plan displayed on **Plan 2,** shows that the entirety of Swanscombe and the areas of Northfleet and Knockhall are located within walking distance of the application site.

Safe pedestrian movement across the A226 London Road and High Street is provided for at the A226 London Road/High Street/Pilgrims Road signal controlled junction, with pedestrian refuges, dropped kerbs and tactile paving provided on the A226 London Road and High Street arms of the junction. Further facilities are provided on High Street in the form of a Zebra crossing which is located approximately 80 metres south of the application site.

The existing pedestrian infrastructure provides the opportunities for both staff and customers to travel to the application site by foot.

The application site is located within 100 metres of the bus stops located on the A226 London Road and High Street. The bus stops located on the A226 London Road include bus shelters which display service information. Table 1 below summarises the bus services that operate along the A226 London Road and High Street.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

Service No	Route	Monday – Friday Frequency per hour				Sat	Sun
		AM Peak	Midday	PM Peak	Eve		
480	Riverview Park – Gravesend – Northfleet – Bluewater	3	3	4	0	3	0
484	Ebbsfleet International – Swanscombe – Greenhithe – Bluewater	0	0	1	0	1	0
490	Singlewell - Gravesend – Northfleet - Bluewater	3	3	3	3	3	2
B	Gravesend – Greenhithe – Bluewater – Dartford – Temple Hill	5	6	5	2	6	3

Table 1 - Existing Bus Services Operating in The Vicinity of Site

As can be seen in Table 1, the bus services that operate in the vicinity of the site provide around 11 peak hour services to destinations such as Northfleet, Greenhithe and Gravesend. The services run between 0500 hours to 2300 hours, therefore providing the opportunity for staff and customers (as part of commuter trip) to travel by bus.

In addition, Swanscombe train station is located approximately 140 metres south of the application site and can be accessed via the pedestrian footways located on High Street. Swanscombe station is located on the North Kent Lane, it is served by 8 services per hour Monday to Saturday to destinations such as Northfleet, Gravesend, Dartford and Lewisham. The proximity of the station to the application site provides the opportunity for customers to visit the development as part of a commuter trip at the end of the working day to collect their order.

Based on the above it is concluded that given the sites location within Swanscombe it is highly accessible by non-car modes and provides the opportunity for journeys to and from the development to be undertaken by non-car modes.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

Development Proposals

As previously stated, the proposals are for a change of use of the existing George and Dragon Public House from A4 (Public House) to a A5 Pizza Delivery and Takeaway unit (Restricted Use). The floor area of the existing building will remain as existing with the unit having a gross internal area of 339.7sqm.

This proposed restricted A5 Land-use which permits the unit to be used for Pizza delivery and takeaway only is a result of a pre-application discussions with the local planning authority. The applicant intends only to use the premises for pizza delivery and takeaway and this restriction can be secured through a planning condition.

At this stage the end occupier is not known, however, experience of units of this type indicate that on average, approximately 60% of the total trade are deliveries whilst the remaining 40% of trade are store collections.

A large proportion of these orders are made in advance of travelling to the stores i.e. phone orders or internet orders. Therefore, reducing the duration of stay at unit, even if a customer orders on arrival at the unit the duration of stay is between 8 to 10 minutes. In addition, given the sustainable location of the site, not all of these orders will be collected by car, a proportion will be undertaken on foot.

Car Parking

It is proposed that car parking for the unit will be provided to the rear of the unit, vehicular access will be provided via the shared vehicular access off High Street. The car parking is currently unmarked, as part of the proposals it proposed to introduce marked parking bays, this will result in the provision of the 8 marked bays within the site. It is proposed that these bays will be used by both delivery drivers and customers. The proposed car park layout is displayed in **Plan 3**.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

Car parking standards for the Swanscombe area are contained within Dartford Borough Council's Parking Standards Supplementary Planning Document (SPD) which was adopted in July 2012. This document sets the required standards and states that the parking standard for A5 Hot Food Takeaways is as follows;

- Employees - 1 space per 2 staff; and
- Customers - 1 space per 10sqm gross floor area.

At present the number of staff members within the unit are not known but based on experience there will be between 2 to 3 delivery drivers during the day and between 6 to 8 drivers in the evening. Whilst 2 to 3 staff members will be employed within the unit.

Based on the floor area of 339.7sqm the required parking provision is 34 car parking spaces are required for customers. However, these standards have been derived to cover the parking requirements for larger units such as McDonalds and KFC which are also encompassed with the A5 Hot Food takeaway land-use.

The parking requirements for these types of occupiers differ vastly to that of the proposed land-use, the duration of stay of customer are much longer and a higher proportion of trade is generated by at the counter orders. Whilst for the proposed development, nearly all orders are made prior to arriving at the unit and a large proportion of orders are delivered.

Therefore, it is concluded that the parking ratio for A5 Hot Food Takeaway contained in the Local Authority Parking standards are set irrespective of the scale of the unit and they fail to differentiate between the various A5 Land-uses, despite them having fundamental differences in terms of customers habits.

It should be noted that the parking requirements in the SPD for the existing land-use are the same as those for the proposed land-use. As previously stated, when the public house was last operational the car park to the rear was not available. Therefore, there would have been element of on-street parking created by this land-use which could occur again without the requirement for further planning permission.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

Notwithstanding the above, the SPD does state that the local authority will work developers/applicants to reduce the parking requirements and paragraph 4.4 of the SPD states the following;

"This SPD sets out the required level of parking which is considered appropriate, according to the location and type of use. An alternative level of provision may be considered on a site specific basis, where evidence to justify it on the circumstances of the specific case is provided. Where a lower standard of provision is proposed, a Travel Plan and/or Transport Impact Assessment/Transport Statement will need to demonstrate that the proposed provision would meet the demand for parking generated by the development."

Based on experience of this type of land-use the demand for parking provision is relatively low, as way of demonstration reference has been made to an Appeal Decision for Pizza Hot Food Takeaway, such as the one proposed, off High Street in Treorchy (Appeal Ref: APP/L6940/A/18/3193479). Paragraph 4 of the Appeal Decision states the following regarding demand for parking; (**Appendix 1**)

'4. Evidence from the appellant however substantiates that a worse case scenario would be a parking requirement of 2-3 spaces at any one time.'

It is therefore concluded that the proposed car parking provision of 8 spaces will be more than sufficient to accommodate the likely demand for parking and will not result in parking on the surrounding highway network.

During pre-application discussions with local planning/highway authority concerns were raised regarding the location of the car park to the rear of the unit and whether it would result in parking on-street parking in the vicinity of the application site.

With regard to the car park at the rear, as previously stated, a large proportion of trade is undertaken by delivery drivers who will be aware of the car park and will be informed by the unit operators that parking on-street is not prohibited. In addition, the majority of customers collecting their orders will be local to the area and will be aware of the parking provision to the rear of the site.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

As previously stated, parking restrictions in the form of double yellow markings are located on High Street along the frontage of the site whilst the remainder of the site's frontage is located within the signal controlled junction.

The issue of customers parking on double yellow markings has been considered at an appeal for a Dominos unit on Bedminster Parade in Bristol (Appeal Ref: APP/Z0116/A/12/2176015) with the Appeal Decision stating the following in paragraph 8; (**Appendix 2**)

'8. Of course, some people might be tempted to park as close as possible to the unit, ignoring traffic restrictions. Yet the appellant's evidence indicates that customers spend about 5-10 minutes within a Dominos unit on average. It seems to me that most people would be reluctant to park in a hazardous location for this length of time, given that there appear to be reasonable opportunities to park in the general area.'

Further consideration off on-street parking is provided within the Treorchy Appeal Decision which states the following in paragraph 5;

'5. There are parking restrictions in place to prevent illegal parking and to safeguard provision for residents. From the representations received it would appear that these parking restrictions are not being fully enforced, but that is a separate matter for the relevant enforcement authority. It remains the case that there are provisions in place to ensure the effective control of parking. Moreover, because of the busy traffic flows on High Street and having regard to the signal controlled junction, it would be clearly obvious to most drivers that parking on the restricted sections of the highway would cause serious obstruction to the free flow of traffic in an illegal and anti-social manner. In my view, this would be a significant deterrent for most drivers.'

It is therefore concluded that the planning application proposals are unlikely to result in any increase in illegal car parking within the vicinity of the site and that those customers driving to the unit will park within the car park to the rear of the unit.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

Travel Plan

As discussed previously the site is located within a sustainable location and therefore provides the opportunity for an employee working within the unit to travel to and from work by sustainable modes. To encourage sustainable travel for employees a Travel Plan Framework has been produced and this is contained within **Appendix 3**.

Summary

This report has considered the traffic and transportation issues relating to the proposals for a change of use of the George and Dragon Public House from A4 (Public House) to a A5 Pizza Delivery and Takeaway unit.

The following conclusions have been drawn with regard to the proposed development;

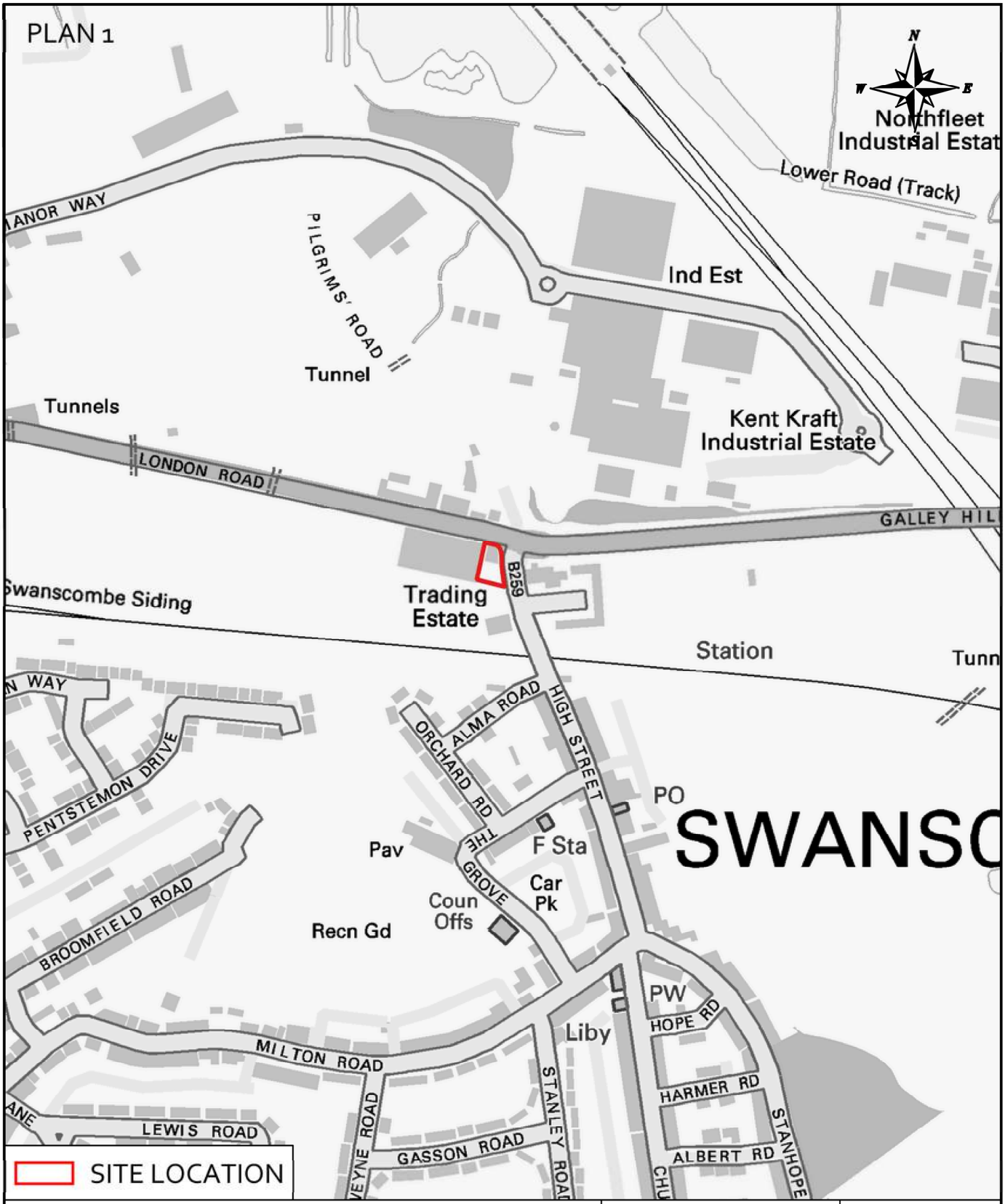
- Due to the site being located within the close proximity to Swanscombe district centre there is the opportunity for customers and staff to travel to the site by sustainable modes.
- The proposed car parking provision will be more sufficient to accommodate the likely demand for parking generated by the development proposals.
- The parking restrictions located on the surrounding highway network will discourage any on-street parking from occurring.

Based on the above it is concluded that the development is in accordance with the NPPF, as the residual cumulative impacts of the development cannot be considered severe and there remains no material reason why the proposed development should not be granted planning consent on highways or transportation grounds

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

PLANS



ZAAN LTD.

PROPOSED CHANG OF USE DEVELOPMENT
GEORGE AND DRAGON PH, SWANSCOMBE
SITE LOCATION PLAN

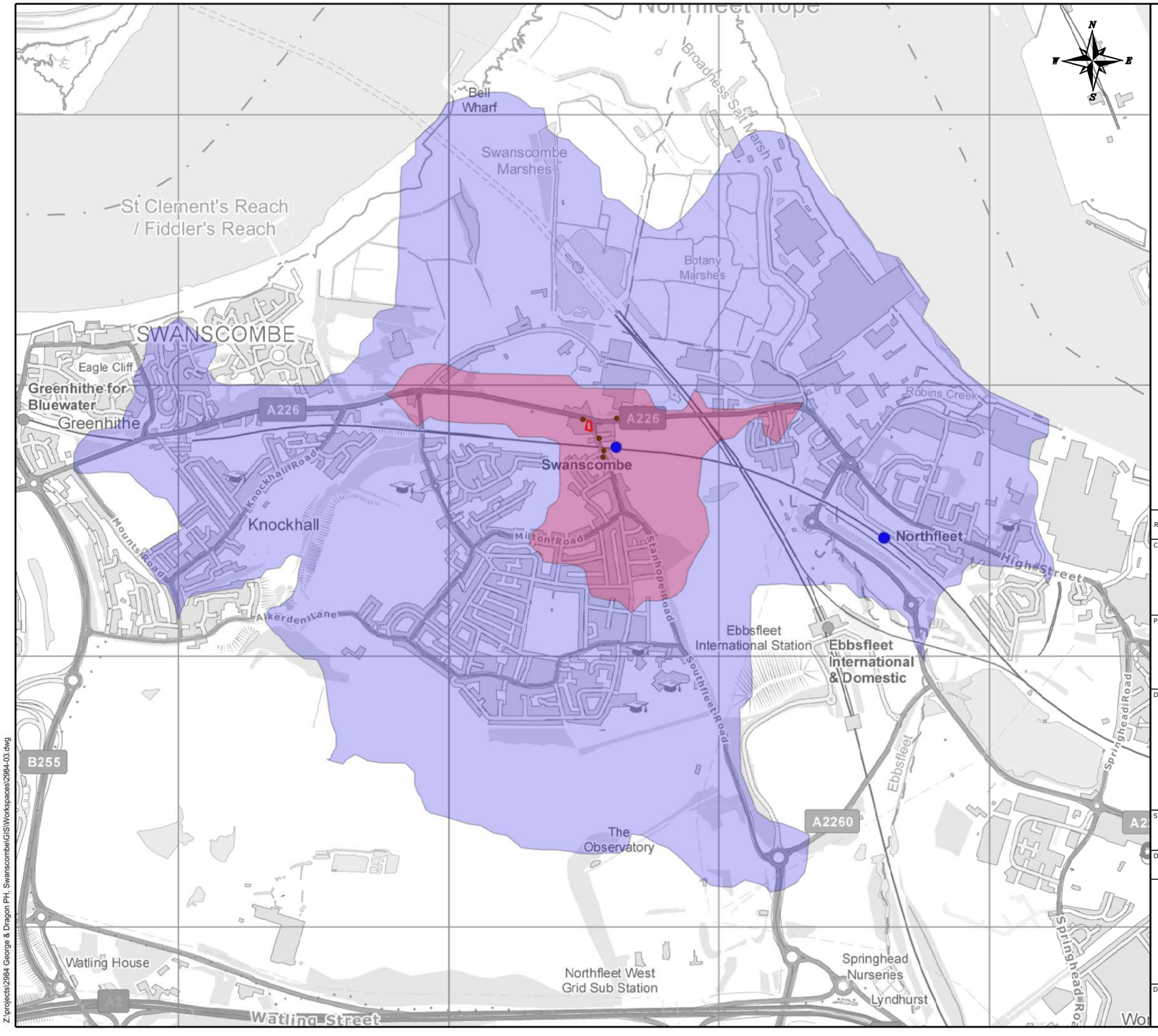
Croft Transport Planning & Design
340 Deansgate
Manchester
M3 4LY

Email: info@croftts.co.uk
Tel: 0161 837 7380
Web: www.croftts.co.uk

CROFT

DRAWN:	DATE:	CHECKED:	DATE:	SCALES:	DRAWING NUMBER:	REVISION:
DG	24.02.20	GM	24.02.20	NTS @ A4	2984-01	-

Drawing1.dwg



NOTES

- Site Location
- 800m Pedestrian Catchment
- 2km Pedestrian Catchment
- Train Station
- Nearest bus Stops

PLAN 2

REV	DETAILS	DRAWN	CHECKED	DATE

CLIENT:

ZAAN LTD.

PROJECT:

GEORGE AND DRAGON PH, SWANSCOMBE

DRAWING TITLE:

800M & 2KM PEDESTRIAN CATCHMENTS WITH AMENITIES

SCALES:

NTS @ A3

DRAWN:	CHECKED:	DATE:
DG	GM	FEB 20

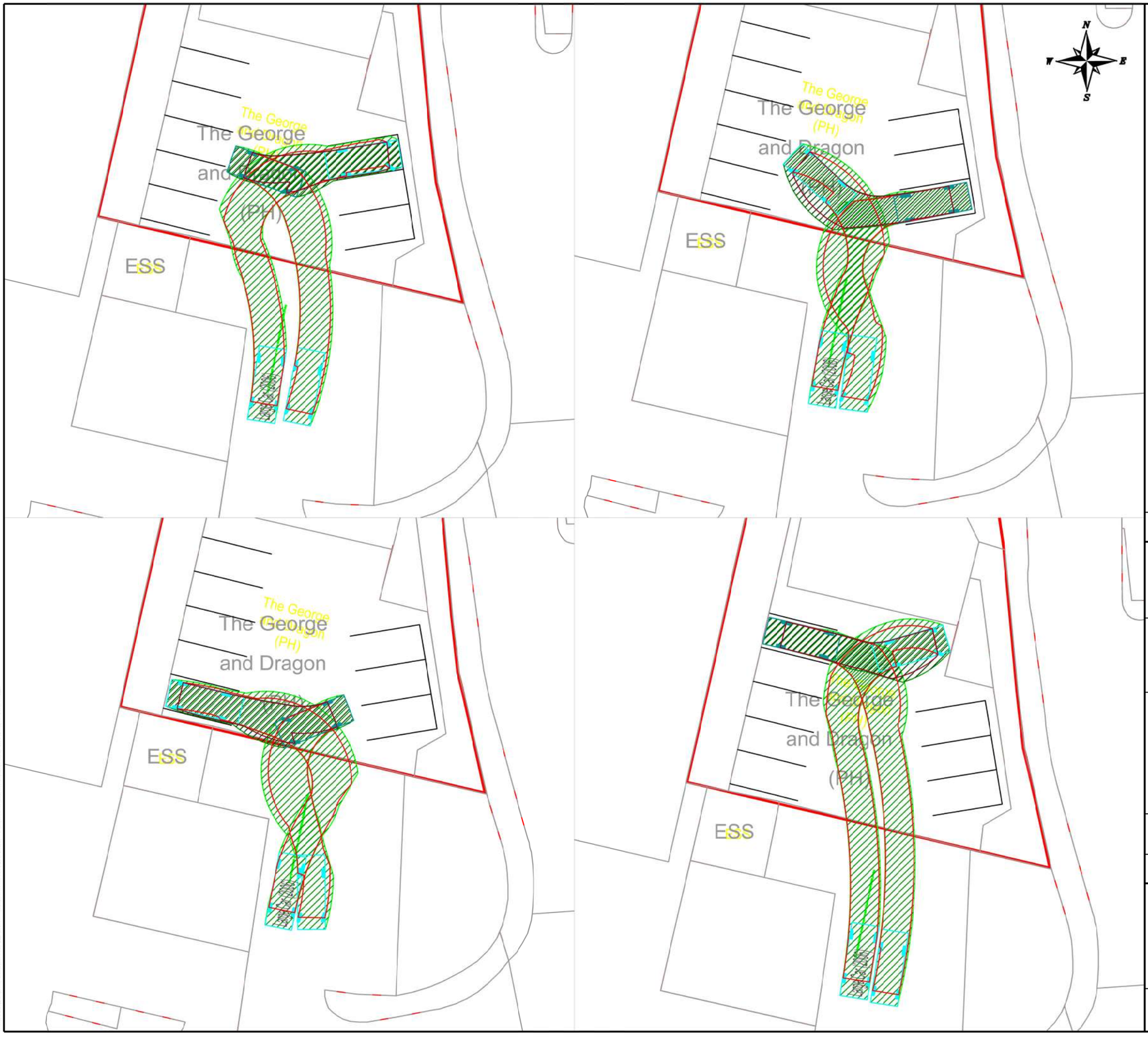
Croft Transport Planning & Design
340 Deansgate
Manchester
M3 4LY

Email: info@croftts.co.uk
Tel: 0161 837 7380
Web: www.croftts.co.uk

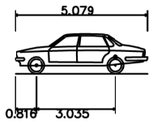
DRAWING NUMBER:	REVISION:
2984-03	-

CROFT

Z:\projects\2984 George & Dragon PH, Swanscombe\GIS\Workspaces\2984-03.dwg



NOTES



Large Car (2006)	
Overall Length	5.079m
Overall Width	1.872m
Overall Body Height	1.525m
Min Body Ground Clearance	0.310m
Max Track Width	1.831m
Lock to lock time	4.00s
Kerb to Kerb Turning Radius	5.900m

Large Car (2006)

PLAN 3

REV	DETAILS	DRAWN	CHECKED	DATE
-	-	-	-	-

CLIENT:

ZAAN LTD.

PROJECT:

GEORGE AND THE DRAGON PH, SWANSCOMBE

DRAWING TITLE:

SWEPT PATH ANALYSIS

SCALES:

1:250 @ A3

DRAWN:	CHECKED:	DATE:
DG	TSB	FEB 20

Croft Transport Planning & Design
340 Deansgate
Manchester
M3 4LY

Email: info@croftts.co.uk
Tel: 0161 837 7380
Web: www.croftts.co.uk

DRAWING NUMBER:	REVISION:
2984-SP01	-

CROFT

Z:\projects\2984 George & Dragon PH, Swanscombe\CAD\Croft Drawings\2984-F01.dwg

APPENDICES

APPENDIX 1

Appeal Decision - Treorchy (Appeal Ref: APP/L6940/A/18/3193479)

The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 23/04/18

gan P J Davies BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad : 10 Mai 2018

Appeal Decision

Site visit made on 23/04/18

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date : 10 May 2018

Appeal Ref: APP/L6940/A/18/3193479

Site address: HSBC, 11 High Street, Treorchy, CF42 6AG

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by PTB Properties Ltd against the decision of Rhondda Cynon Taf County Borough Council.
- The application Ref 16/1066/10, dated 27 September 2016, was refused by notice dated 24 July 2017.
- The development proposed is a change of use from bank (A2) to hot food takeaway (Class A3) and installation of extraction / ventilation equipment.

Decision

1. The appeal is allowed and planning permission is granted for a change of use from bank (A2) to hot food takeaway (Class A3) and installation of extraction / ventilation equipment at HSBC, 11 High Street, Treorchy, CF42 6AG in accordance with the terms of the application, Ref 16/1066/10, dated 27 September 2016, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on highway safety, having particular regard to the demand for parking.

Reasons

3. The appeal property is a former bank situated in Treorchy town centre adjacent to a main junction that is subject to high volumes of traffic. It is also on a strategic route for traffic connecting from various settlements in the Rhondda Valley. Within the vicinity of the site, there are double yellow line parking restrictions around the signal controlled junction and extending along High Street on both sides of the road. There are also parking restrictions and residential permit zones on adjoining streets. The closest available parking for customers of the proposed development would be on a short section of Chapel Street, which is limited to one hour waiting between 9am and 5.30pm for non-permit holders. Parking provision is therefore very limited close to the site and I observed a high demand for spaces.

4. I share the view that take away customers will generally try and park as close to the premises as possible because they are encouraged by the short term nature of the visit and a desire to keep food hot. Nonetheless, any retail or office use of the building would generate parking demand, and services such as cashpoints or a general convenience store can also attract short term visits. Using TRICS trip rate database, the appellant has made a comparison between trip rates for A1/A2 and A3 uses and concludes that a permitted A1 use would be likely to generate an equal or potentially higher number of vehicular trips. This is not challenged by the Council and I have no reason to disagree with this assessment. In terms of parking demand, the Council does not quantify what it considers to be a greater intensity of short-term on-street parking arising from the proposal. Evidence from the appellant however substantiates that a worst case scenario would be a parking requirement of 2 -3 spaces at any one time. There are also other considerations affecting parking behaviour and demand that should be weighed in the balance.

5. There are parking restrictions in place to prevent illegal parking and to safeguard provision for residents. From the representations received it would appear that these parking restrictions are not being fully enforced, but that is a separate matter for the relevant enforcement authority. It remains the case that there are provisions in place to ensure the effective control of parking. Moreover, because of the busy traffic flows on High Street and having regard to the signal controlled junction, it would be clearly obvious to most drivers that parking on the restricted sections of the highway would cause serious obstruction to the free flow of traffic in an illegal and anti-social manner. In my view, this would be a significant deterrent for most drivers. Similarly, whilst the Council provide a photo of a large HGV delivering to another Domino premises, the highway and parking conditions would deter deliveries by large vehicles. For these reasons I consider that most drivers would be discouraged from parking on the double yellow lines near the site, even for a very short time. I note the advice in 4.13 of Technical Advice Note (TAN) 18 'Transport' that permission should be refused for developments where despite controlled parking, unacceptable road safety or congestion issues will probably remain. However this is aimed at new development whereas the proposal before me concerns an existing building where any use will generate parking demand.

6. The appeal property is within a shopping centre with a public car park approximately 200 metres away. It is a short level walk to the appeal property with formal pedestrian crossings over High Street, and I have no reason to believe that most customers would not use it. Some customers are likely to share trips to the take away facility with other journeys to the centre, and given its proximity to a residential area, it is also not unreasonable to expect some journeys to be made locally on foot. Moreover, the provision of a delivery service would be likely to reduce car journeys to the site. The evidence indicates that Friday, Saturday and Sunday evenings around 7-8pm are busiest for other similar take away facilities operated by the appellant and I have no reason to doubt that this would not be typical of most take away providers generally. During these times when many shops will be closed, there would invariably be less demand for the on street parking spaces that exist on High Street a short distance from the appeal site. The appeal property also benefits from a small service yard to the rear for some albeit limited off-street parking for staff.

7. On balance I consider that it has not been demonstrated that the proposal would result in any material increase in the demand for parking or cause any significant risk to highway safety or residential amenity arising from poor parking behaviour. I therefore find no conflict with the objectives of Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Conditions

8. I have had regard to the Council's suggested conditions. In addition to the time commencement and plans compliance conditions, I have attached conditions relating to HGV deliveries and an amendment to a Traffic Regulation Order in the interests of highway safety. Conditions relating to odour/fume control and waste fats/oil disposal are also necessary to ensure that there is no detriment to residential or environmental amenity.

Other Matters

9. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Conclusions

10. For the above reasons and having regard to all other matters raised, the appeal is allowed.

P J Davies

INSPECTOR

Schedule of Conditions

1) The development shall begin not later than five years from the date of this decision.

2) The development shall be carried out in accordance with the following approved plans and documents:B9217-AEW-16063-ZZ-DR-0003; B9217-AEW-16063-ZZ-DR-0004; B9217-AEW-16063-XX-DR-0005; B9217-AEW-16063-XX-DR-0006.

3) No HGV delivery shall take place between the hours of 0700-1000 and 1500 – 1900 on any day of the week.

4) The development shall not be brought into beneficial use until an amendment to the Traffic Regulation Order (TRO) along Chapel Street to safeguard access to the rear parking area has been completed in accordance with details to be approved in writing by the local planning authority.

5) Prior to the commencement of the use hereby permitted, a scheme of odour/effluvia/fume control shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

6) Prior to the commencement of the use hereby permitted, details of a system to prevent waste cooking oil, fats, grease and solid waste from entering the foul drainage system shall be submitted to and agreed in writing by the local planning authority. The use shall thereafter be carried out in accordance with the approved details.

The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 23/04/18

gan P J Davies BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad : 10 Mai 2018

Appeal Decision

Site visit made on 23/04/18

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date : 10 May 2018

Cyf yr apêl: APP/L6940/A/18/3193479

Cyfeiriad y safle: HSBC, 11 Stryd Fawr, Treorci, CF42 6AG

Mae Gweinidogion Cymru wedi trosglwyddo'r awdurdod i benderfynu ar yr apêl hon i mi fel yr Arolygydd penodedig.

- Gwneir yr apêl o dan adran 78 Deddf Cynllunio Gwlad a Thref 1990 yn erbyn gwrthod rhoi caniatâd cynllunio.
- Gwneir yr apêl gan PTB Properties Ltd yn erbyn y penderfyniad gan Gyngor Bwrdeistref Sirol Rhondda Cynon Taf.
- Gwrthodwyd y cais, Cyf 16/1066/10, dyddiedig 27 Medi 2016, drwy hysbysiad dyddiedig 24 Gorffennaf 2017.
- Y datblygiad a gynigir yw newid defnydd o fanc (A2) i siop fwyd poeth tecawê (Dosbarth A3) a gosod offer tynnu aer / awyru.

Penderfyniad

1. Caniateir yr apêl a rhoddir caniatâd cynllunio ar gyfer newid defnydd o fanc (A2) i siop fwyd poeth tecawê (Dosbarth A3) a gosod offer tynnu aer / awyru yn HSBC, 11 Stryd Fawr, Treorci, CF42 6AG yn unol â thelerau'r cais, Cyf 16/1066/10, dyddiedig 27 Medi 2016, yn amodol ar yr amodau a osodir allan yn y rhestr atodedig.

Prif Fater

2. Y prif fater yw effaith y cynnig ar ddiogelwch ar y ffyrdd, gan roi sylw arbennig i'r galw am barcio.

Rhesymau

3. Mae eiddo'r apêl yn fanc blaenorol wedi'i leoli yng nghanol tref Treorci ger prif gyffordd lle ceir llawer iawn o draffig. Hefyd, mae ar lwybr strategol ar gyfer traffig sy'n cysylltu gwahanol aneddiadau yng Nghwm Rhondda. Yng nghyffiniau'r safle, ceir cyfyngiadau parcio ar ffurf llinellau melyn dwbl o amgylch y gyffordd a reolir gan signalau ac mae'r rhain yn ymestyn ar hyd y Stryd Fawr ar ddwy ochr y ffordd. Yn ogystal, ceir cyfyngiadau parcio a pharthau trwyddedau preswyl mewn strydoedd cyfagos. Ceir y mannau parcio agosaf a fyddai ar gael i gwsmeriaid y datblygiad a gynigir ar ran fer o Chapel Street, sy'n gyfyngedig i un awr o aros rhwng 9am a 5.30pm ar gyfer pobl heb drwyddedau. Felly, mae'r ddarpariaeth barcio yn gyfyngedig iawn ger y safle a sylwais fod galw mawr am leoedd.

4. Rwy'n rhannu'r farn y bydd cwsmeriaid, yn gyffredinol, yn ceisio parcio mor agos i'r safle ag y bo modd oherwydd cânt eu hannog gan natur fyrdymor yr ymweliad ac awydd i gadw bwyd yn boeth. Serch hynny, byddai unrhyw ddefnydd manwerthu neu swyddfa yn yr adeilad yn creu galw am barcio, ac mae gwasanaethau fel peiriannau arian parod neu siop gyfleustra gyffredinol yn gallu denu ymweliadau tymor byr hefyd. Gan ddefnyddio cronfa ddata cyfraddau teithiau TRICS, mae'r apelydd wedi gwneud cymhariaeth rhwng cyfraddau teithiau ar gyfer defnyddiau A1/A2 ac A3 a daw i'r casgliad y byddai defnydd A1 a ganiateir yn debygol o achosi nifer cyfartal neu o bosibl nifer mwy o deithiau cerbydau. Nid yw'r Cyngor yn herio hyn ac nid oes gennyf unrhyw reswm i anghytuno â'r asesiad hwn. O ran y galw am barcio, nid yw'r Cyngor yn mesur yr hyn y maent yn ei ystyried fel dwysedd uwch o barcio ar y stryd yn y tymor byr a fyddai'n deillio o'r cynnig. Fodd bynnag, mae tystiolaeth gan yr apelydd yn cadarnhau mai'r senario gwaethaf fyddai gofyniad parcio am 2 -3 o leoedd ar unrhyw adeg. Hefyd, mae ystyriaethau eraill sy'n effeithio ar ymddygiad parcio a'r galw am barcio a dylid pwyso a mesur y rhain.

5. Mae cyfyngiadau parcio ar waith i atal parcio anghyfreithlon ac i ddiogelu darpariaeth ar gyfer trigolion. O'r sylwadau a dderbyniwyd, mae'n ymddangos nad yw'r cyfyngiadau parcio'n cael eu gorfodi'n llawn, ond mae hyn yn fater ar wahân ar gyfer yr awdurdod gorfodi perthnasol. Mae'n parhau'n wir fod darpariaethau ar waith i sicrhau rheolaeth effeithiol ar barcio. Ar ben hynny, oherwydd y llifoedd prysur o draffig ar y Stryd Fawr a gan ystyried y gyffordd a reolir gan signalau, byddai'n hollol eglur i'r rhan fwyaf o yrwyr y byddai parcio ar y rhannau cyfyngedig o'r briffordd yn achosi rhwystr difrifol i lif rhydd y traffig mewn ffordd anghyfreithlon a gwrthgymdeithasol. Yn fy marn i, byddai hyn yn rhwystr sylweddol i'r rhan fwyaf o yrwyr. Yn yr un modd, er bod y Cyngor wedi darparu llun o gerbyd nwyddau trwm mawr yn cyflenwi adeilad Domino arall, byddai'r amgylchiadau o ran ffyrdd a pharcio yn rhwystro cyflenwi gan gerbydau mawr. Am y rhesymau hyn, rwyf o'r farn y byddai'r rhan fwyaf o yrwyr yn penderfynu peidio â pharcio ar y llinellau melyn dwbl ger y safle, hyd yn oed am gyfnod byr iawn. Nodaf y cyngor ym mharagraff 4.13 Nodyn Cyngor Technegol (TAN) 18 'Trafnidiaeth' y dylid gwrthod caniatâd ar gyfer datblygiadau lle mae'n debyg y bydd materion annerbyniol yn ymwneud â diogelwch y ffordd neu dagfeydd heb eu datrys o hyd er gwaethaf parcio rheoledig. Fodd bynnag, cyfeiria hyn at ddatblygiadau newydd, ond mae'r cynnig sydd ger fy mron yn ymwneud ag adeilad sy'n bodoli lle byddai unrhyw ddefnydd yn creu galw am barcio.

6. Mae eiddo'r apêl o fewn canolfan siopa gyda maes parcio cyhoeddus tua 200 metr i ffwrdd. Mae'n daith gerdded fer a gwastad i eiddo'r apêl gyda chroesfannau ffurfiol ar gyfer cerddwyr ar draws y Stryd Fawr, ac nid oes gennyf unrhyw reswm i gredu na fyddai'r rhan fwyaf o gwsmeriaid yn ei ddefnyddio. Mae rhai cwsmeriaid yn debygol o rannu teithiau i'r cyfleuster tecawê â theithiau eraill i'r ganolfan, ac o ystyried yr agosrwydd at ardal breswyl, nid yw'n afresymol i ddisgwyl i rai teithiau gael eu gwneud yn lleol ar droed. Ar ben hynny, byddai darparu gwasanaeth cyflenwi yn debygol o leihau teithiau ceir i'r safle. Mae'r dystiolaeth yn dangos mai nosweithiau Gwener, Sadwrn a Sul o gwmpas 7-8pm sydd fwyaf prysur i gyfleusterau bwyd tecawê tebyg a weithredir gan yr apelydd ac nid oes gennyf unrhyw reswm i amau na fyddai hyn yn nodweddiadol i'r rhan fwyaf o ddarparwyr bwyd tecawê yn gyffredinol. Yn ystod yr amseroedd hyn pan fydd nifer o siopau ar gau, mae'n anochel y bydd llai o alw am y mannau parcio ar y stryd sy'n bodoli ar y Stryd Fawr ychydig bellter o safle'r apêl. Hefyd, mae gan eiddo'r apêl iard wasanaeth fach yn y cefn sydd â nifer cyfyngedig o fannau parcio oddi ar y stryd ar gyfer staff.

7. Yn gyffredinol, rwyf o'r farn na ddangoswyd y byddai'r cynnig yn arwain at unrhyw gynnydd sylweddol yn y galw am barcio nac yn achosi unrhyw risg sylweddol i ddiogelwch ar y ffyrdd neu i amwynder preswyl a fyddai'n deillio o ymddygiad parcio gwael. Felly, nid welaf unrhyw wrthdaro ag amcanion Polisi AW5 Cynllun Datblygu Lleol Rhondda Cynon Taf.

Amodau

8. Rwyf wedi ystyried yr amodau a awgrymir gan y Cyngor. Yn ogystal â'r amodau yn ymwneud ag amser cychwyn a chydymffurfio â chynlluniau, rwyf wedi atodi amodau sy'n ymwneud â chyflenwi gan gerbydau nwyddau trwm a diwygiad i Orchymyn Rheoleiddio Traffig er budd diogelwch ar y ffyrdd. Hefyd, mae amodau yn ymwneud â rheoli arogl/mygdarth a braster gwastraff/gwaredu olew yn angenrheidiol er mwyn sicrhau na fydd unrhyw amharu ar amwynderau preswyl neu amgylcheddol.

Materion Eraill

9. Wrth wneud fy mhenderfyniad, rwyf wedi ystyried gofynion adran 3 ac adran 5 Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015. Ystyriaf fod y penderfyniad hwn yn unol ag egwyddor datblygu cynaliadwy'r Ddeddf trwy ei gyfraniad tuag at un neu fwy o amcanion llesiant Gweinidogion Cymru a osodir allan fel sy'n ofynnol gan adran 8 y Ddeddf.

Casgliadau

10. Am y rhesymau uchod ac ar ôl ystyried yr holl faterion eraill a godwyd, caniateir yr apêl.

P J Davies

AROLYGYDD

Rhestr o Amodau

1) Cychwynnir y datblygiad heb fod yn hwyrach na phum mlynedd o ddyddiad y penderfyniad hwn.

2) Gweithredir y datblygiad yn unol â'r cynlluniau a dogfennau cymeradwy canlynol: B9217-AEW-16063-ZZ-DR-0003; B9217-AEW-16063-ZZ-DR-0004; B9217-AEW-16063-XX-DR-0005; B9217-AEW-16063-XX-DR-0006.

3) Ni chaniateir unrhyw gyflenwi gan gerbydau nwyddau trwm rhwng oriau 0700 – 1000 a 1500 – 1900 ar unrhyw ddiwrnod o'r wythnos.

4) Ni chaiff y datblygiad ei ddefnyddio'n fuddiol hyd nes y cwblheir diwygiad i'r Gorchymyn Rheoleiddio Traffig ar hyd Chapel Street er mwyn diogelu mynediad i'r man parcio yn y cefn, yn unol â manylion i'w cymeradwyo'n ysgrifenedig gan yr awdurdod cynllunio lleol.

5) Cyn cychwyn ar y defnydd a ganiateir drwy hyn, rhaid i gynllun ar gyfer rheoli arogleuon/drewdod/mygdarth gael ei gyflwyno i'r awdurdod cynllunio lleol a'i gymeradwyo'n ysgrifenedig ganddynt. Wedi hynny, gweithredir y datblygiad yn unol â'r manylion a gymeradwyir.

6) Cyn cychwyn ar y defnydd a ganiateir drwy hyn, rhaid i fanylion system ar gyfer atal olew coginio, brasterau, saim a gwastraff solet rhag mynd i mewn i'r system ddraenio dŵr budr gael eu cyflwyno i'r awdurdod cynllunio lleol a'u cytuno'n ysgrifenedig ganddynt. Wedi hynny, gweithredir y datblygiad yn unol â'r manylion a gymeradwyir.

APPENDIX 2

Appeal Decision - Bedminster Parade in Bristol (Appeal Ref: APP/Z0116/A/12/2176015)

The Planning Inspectorate

Appeal Decision

Site visit made on 13 November 2012

by Peter Willows BA DipUED MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 November 2012

Appeal Ref: APP/Z0116/A/12/2176015
92 Bedminster Parade, Bristol, BS3 4HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Dominos Pizza UK and Ireland Ltd against the decision of Bristol City Council.
- The application Ref 11/05363/F, dated 20 December 2011, was refused by notice dated 28 February 2012.
- The development proposed is change of use from Class A3 (Restaurants) to Class A5 (takeaway); erection of new shopfront; and installation of extraction duct/ventilation to the rear.

Decision

1. The appeal is allowed and planning permission is granted for change of use from Class A3 (Restaurants) to Class A5 (takeaway); erection of new shopfront; and installation of extraction duct/ventilation to the rear at 92 Bedminster Parade, Bristol, BS3 4HL in accordance with the terms of the application, Ref 11/05363/F, dated 20 December 2011, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the development on road safety and the safety of pedestrians.

Reasons

3. The appeal building is currently vacant. The previous use of the building is not clear, although planning permission for change of use to a restaurant was granted in 2007. The Council's concerns regarding the use now proposed focus on the possibility of indiscriminate parking on the main road near to the unit, where the Council considers that vehicles could obstruct the nearby light-controlled pedestrian crossing and thereby compromise road safety.

4. It is clear that spaces on the main road outside the appeal unit are very limited, the section of road closest to the unit falling within the controlled area for the crossing. Yet the key trading hours for a takeaway use are likely to be in the evening and the appellant estimates that there are around 145 spaces available within 200m of the site after 18.30. From the information before me and my inspection of the area, I have no reason to doubt that figure. In my judgement, many people would not consider this an unreasonable distance to park from the unit. While I appreciate that local residents will wish to park in

many of the available spaces in the evening, most shops will have ceased trading by that time of day, which would ease pressure on spaces. Thus while the local parking situation is not ideal, it does not strike me as being unduly restrictive in a town centre location of this type.

5. Turning to the question of demand for spaces, the appellant advises that an existing Dominos store at Whiteladies Road, Bristol, generated around 86 orders during the peak trading hour when surveyed recently. Yet this translated into only 23 over-the-counter orders and 42 visiting customers on account of the large number of orders for home delivery. Moreover, over half of those visiting the outlet did so on foot, with only 29% driving and 7% travelling as car passengers.

6. I treat this comparison with a degree of caution, since I have only limited information regarding the Whiteladies Road outlet. Nevertheless, I understand that it is in a location with some similarities with the appeal site and I regard it as the clearest evidence before me regarding likely trading at the proposed unit. While planning permissions run with the land, it appears probable that Dominos would use the appeal unit at least in the first instance. Accordingly, I attach some weight to this evidence. In particular, it seems probable to me that a Dominos at the appeal unit would rely heavily on home delivery, thus limiting visits to the premises and the demand for parking spaces there.

7. Moreover, the appeal unit is in a sustainable location within an established centre, with bus stops directly opposite. Consequently, it appears probable to me that a significant number of customers would walk or travel via public transport. The survey at the Whiteladies Road unit suggests that such a view is not unrealistic. It also seems to me that a central location of this type accords with policy BSC10 of the adopted Core Strategy inasmuch as the policy encourages development to be located where sustainable travel patterns can be achieved.

8. Of course, some people might be tempted to park as close as possible to the unit, ignoring traffic restrictions. Yet the appellant's evidence indicates that customers spend about 5-10 minutes within a Dominos unit on average. It seems to me that most people would be reluctant to park in a hazardous location for this length of time, given that there appear to be reasonable opportunities to park in the general area.

9. I have noted the Council's concerns that delivery vehicles, which the appellant indicates would be mopeds, could pose an additional hazard at the front of the building. However, the unit has a rear service yard which delivery vehicles could use, notwithstanding that it is reached via a cobbled road surface. I agree with the appellant that a management plan could satisfactorily control deliveries, including ensuring that the rear access is used, and could be required by a planning condition.

10. I appreciate that the Council's Policy Advice Note 17 (PAN17) expressly rules out hot food takeaway uses such as this where they are close to pedestrian crossing facilities. However, the document was published in 1999, prior to the National Planning Policy Framework and the Council's Core Strategy, and I have no details regarding how the document was prepared or whether it was subject to public consultation. Accordingly, I attach only limited weight to it, and have considered the proposal before me on its merits.

11. Overall the evidence before me does not show that the change of use proposed would result in excessive numbers of car visits to the unit or parking in unsuitable locations on the road outside it. I therefore conclude that the development would not compromise road safety or the safety of pedestrians. Consequently, I find no conflict with policies M1 (Transport) or S8 (Food and Drink Uses) of the adopted Bristol Local Plan, or with policy BSC10 (Transport and Access Improvements) of the adopted Bristol Development Framework Core Strategy.

Other matters

12. The proposal includes a new shop front and other physical works. However, the Council raises no objection to the proposal on this basis and I see no reason to come to a contrary view. Accordingly, I conclude that the Bedminster Conservation Area, within which the appeal property lies, would be preserved, as would the setting of the adjacent Grade II listed Nat West bank.

Conclusion

13. For the reasons set out above I conclude that the appeal should be allowed. I have attached a condition specifying the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions 3, 4, 5 and 6 are necessary to protect the living conditions of nearby residents. Conditions 7 and 8 are imposed in the interests of road safety.

14. The evidence before me does not show that the use or machinery associated with it is likely to generate excessive noise. Therefore, given the unit's town centre location and the restriction of opening hours in Condition 6, I am not persuaded that further conditions relating to noise assessment and mitigation are necessary. Nor do I consider an odour management plan to be needed, given the requirements of Condition 3.

Peter Willows

INSPECTOR

CONDITIONS

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4711-A5-01 A; 4711-A5-02 A; 4711-BP08 AA; 4711-BP09.

3) Before the commencement of any works, a scheme showing details of the means of ventilation and dispersal of cooking odours/fumes from the premises, sound attenuation measures associated with the means of ventilation and odour/fume extraction, the position and finish of any external flues or external air conditioning plant and a programme of operation and equipment maintenance for all installed equipment shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed in its entirety before the first use of the premises hereby permitted and thereafter shall be retained, maintained and operated in accordance with the approved details

4) The use hereby permitted shall not commence until the area proposed for storing refuse/recyclable materials has been completed in accordance with the approved plans. Thereafter all refuse and recyclable materials associated with the development shall be stored within this dedicated area or within the building.

5) The collection of refuse and recyclable materials and the tipping of empty bottles into external receptacles shall only take place between 08.00 - 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

6) The use hereby permitted shall not be open to customers outside 09.00 to midnight, 7 days a week.

7) The use hereby permitted shall not commence until a delivery management plan, to include details of the method of deliveries to customers, delivery vehicle types and arrangements for accessing the appeal property and parking at it, has been submitted to and approved in writing by the local planning authority. Deliveries from the property shall be managed in full accordance with the approved delivery management plan at all times.

8) The use hereby permitted shall not commence until details of the proposals for servicing and refuse collection at the unit have been submitted to and approved in writing by the local planning authority. Servicing and refuse collection shall be carried out in full accordance with the approved details at all times thereafter.

APPENDIX 3

Travel Plan Framework

Proposed Change of Use, George & Dragon Public House, Swanscombe

ZAAN LTD

Travel Plan Framework

February 2020

CROFT

Eddisons

TRANSPORT PLANNING & DESIGN

Incorporating Croft Transport Planning & Design

CROFT

Contents

1 INTRODUCTION 2
1.1 Introduction 2
1.2 Proposed Development 2
1.3 The Travel Plan 3
1.4 Scope of Travel Plan 4
2 TRAVEL PLANNING POLICY AND GUIDANCE 6
2.1 Travel Planning Policy 6
2.2 Travel Planning Guidance 6
3 ACCESSIBILITY BY NON CAR MODES 9
3.1 Introduction 9
3.2 Accessibility Appraisal 9
4 MANAGEMENT MEASURES 12
4.1 Introduction 12
4.2 Appointment of a Travel Plan Co-ordinator 12
4.3 Travel Awareness 13
4.4 Travel Information 14
4.5 Car Sharing Scheme 14
4.6 New Employee 'Welcome Pack' 15
4.7 Promotion of Public Transport 15
4.8 Sustainable Travel Promotional Initiatives 16
5 TRAVEL PLAN TARGETS 17
5.1 Introduction 17
5.2 Travel Targets 17
5.3 Action Plan 17
5.4 Plan Monitoring and Review 19
6 CONCLUSIONS 21

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

1 INTRODUCTION

1.1 Introduction

1.1.1 Croft have been instructed by Zaan Group to prepare a Travel Plan Framework in support of proposals for a change of use of the George and Dragon Public House from A4 (Public House) to a A5 Pizza Delivery and Takeaway unit.

1.1.2 This Travel Plan Framework will set out the principle strategies of the Travel Plan which will evolve into a formally agreed document to be submitted to, and agreed with, the local authority following the full occupation of the development.

1.1.3 It should be noted that this is a working document and is recognised as being the first stage in the Travel Plan process. This is primarily because it is not desirable to simply list a series of policies to be implemented at the new store. Instead, it is preferable to provide a more detailed Travel Plan that takes into account the residential locations of employees and their modes of travel to work.

1.1.4 This Travel Plan sets out a framework for employees who will be employed at the proposed Take-away Pizza unit.

1.2 Proposed Development

1.2.1 The application site is located approximately 200 metres north of the centre of Swanscombe, it is bound to the north by the A226 London Road and High Street to the east. The site is bound to the south and west by the Industrial development. The location of the site is displayed on **Plan 1**.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

1.2.2 the proposals are for a change of use of the existing George and Dragon Public House from A4 (Public House) to a A5 Pizza Delivery and Takeaway unit (Restricted Use). The floor area of the existing building will remain as existing with the unit having a gross internal area of 339.7sqm. The proposed site plan is shown in **Plan 2**.

1.2.3 This proposed restricted A5 Land-use to allow the premises to be used for Pizza delivery and takeaway only is a result of a pre-application discussions with the local planning authority. The applicant intends only to use the premises for pizza delivery and takeaway and this restriction can be secured through a planning condition.

1.2.4 Pedestrian access into the site is provided for via the main customer entrance off High Street.

1.2.5 It is proposed that car parking for the unit will be provided to the rear of the unit, vehicular access will be provided via the shared vehicular access off High Street. The car parking is currently unmarked, as part of the proposals it proposed to introduce marked parking bays, this will result in the provision of the 8 marked bays within the site. It is proposed that these bays will be used by both delivery drivers and customers.

1.3 The Travel Plan

1.3.1 The Travel Plan is a long-term strategy for reducing the dependence of Domino's on travel by private car.

1.3.2 The aims of the Travel Plan are as follows:

- To encourage employees to use alternatives to the private car;
- To increase the awareness of the advantages and potential for travel by more environmentally friendly modes and

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

- To introduce a package of management measures that will facilitate travel by modes of transport other than the private car.

1.3.3 The principle strands of the plan are set out as follows.

i) Appointment of a Travel Plan Co-ordinator;

ii) Baseline data;

iii) Ensuring the availability of travel information, and

iv) The establishment of a car sharing scheme.

1.3.4 In addition the management of employee travel represents an important element in pursuing the overall aims of the latest national guidance included within the DfT's Best Practice Guide.

1.3.5 This document provides a framework Travel Plan, which will be submitted to and agreed with Dartford Borough Council (DBC). The Travel Plan will demonstrate the strategy that the site operator s is taking to assist the wider aims of sustainable transport.

1.3.6 A Travel Plan is effectively a combination of information, proposals and incentives designed to use most effectively the different means of travel available to employees.

1.4 Scope of Travel Plan

1.4.1 Domino's will be required to designate a Travel Plan Co-ordinator for the development. Essentially this Co-ordinator will provide a liaison in implementing the plan with DBC. Details of the nominated Travel Plan Co-ordinator will be submitted to DBC, the local authority will be informed of any changes to the Travel Plan Co-ordinator's contact details.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

1.4.2 The Travel Plan Co-ordinator will be the first point of contact for employees and other outside organisations in all matters regarding travel. He/she will maintain an up-to-date file containing all correspondence to and from employees relating to the Travel Plan.

1.4.3 The employment of the Travel Plan Co-ordinator will remain in place for 5 years, following occupation of the development, in line with the monitoring programme.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

2 TRAVEL PLANNING POLICY AND GUIDANCE

2.1 Travel Planning Policy

2.1.1 The need to manage transport in new developments is included within national and local policy. The need to reduce car dependency, increase travel choices and encourage sustainable distribution is supported by the National Planning Policy Framework (NPPF) which states that all developments which generate significant amounts of movement should be required to provide a Travel Plan.

2.1.2 The NPPF further reinforces the importance of travel plans in the planning context and states *"Travel Plans should be considered in parallel to development proposals and readily integrated into the design and occupation of a new site".*

2.2 Travel Planning Guidance

2.2.1 The preparation and adoption of a Travel Plan is an important element of managing the demand for travel to all modern developments.

2.2.2 The document, entitled *'Good Practice Guidelines: Delivering Travel Plans through the Planning Process'* sets out an overview of the process and delivery of Travel Plans and states that

"A Travel Plan is a long-term management strategy for an occupier or site that seeks to deliver sustainable transport objectives through positive action and is articulated in a document that is regularly reviewed." The DfT document entitled *"Making Residential Travel Plans Work"* states that *Travel Planning is one of a range of measures known as smarter choices which have been found to be effective on reducing traffic and improving accessibility in residential areas"* and goes on to say:

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ
RICS

"Travel Planning is one of a range of measures known as smarter choices which have been found to be effective on reducing traffic and improving accessibility in residential areas".

2.2.3 The DfT's *'Making Residential Travel Plans Work'* also introduces the concept of a 'Travel Plan Pyramid'. This helps demonstrate how successful plans are built on the firm foundations of a good location and site design. The pyramid is presented in **Figure 2.1** below;

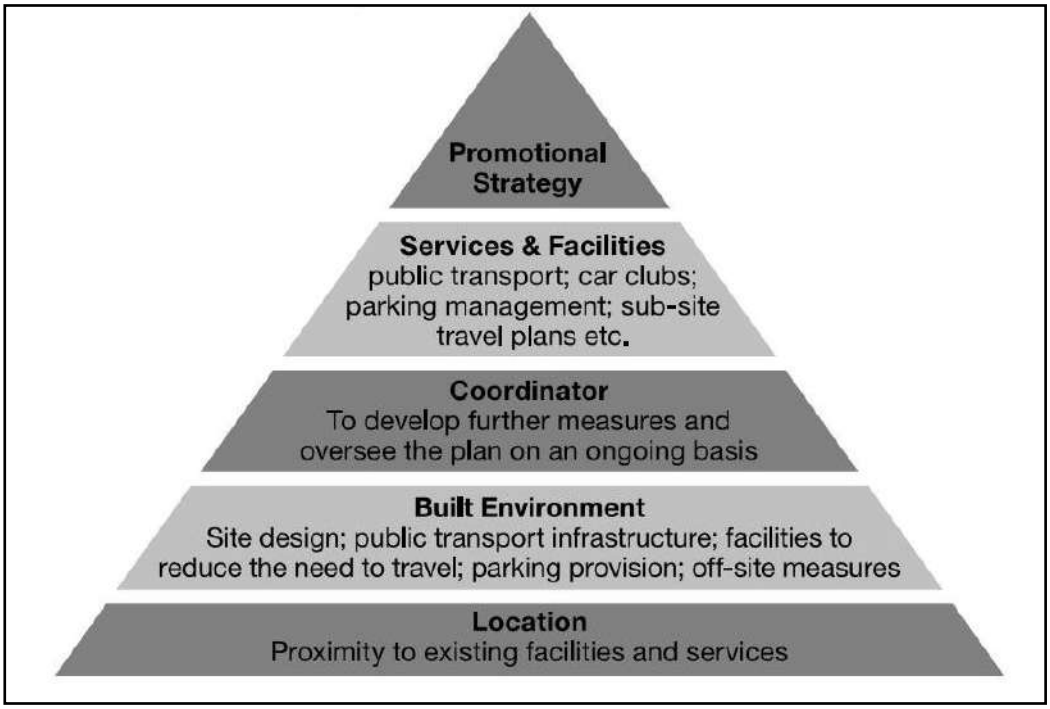

Promotional Strategy
Services & Facilities
public transport; car clubs; parking management; sub-site travel plans etc.
Coordinator
To develop further measures and oversee the plan on an ongoing basis
Built Environment
Site design; public transport infrastructure; facilities to reduce the need to travel; parking provision; off-site measures
Location
Proximity to existing facilities and services

Figure 2.1 – The Travel Plan Pyramid

2.2.4 The hierarchy of 5 tiers of measures and criteria are well illustrated in pyramid form since the concept presented within that "good practice" is that each higher layer builds upon the more important foundations of the criteria and initiatives below it.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

2.2.5 The most important layer of the pyramid is considered to be the base, this shows the key to making Travel Plans work is the actual location of the development and its proximity to local facilities and services essential to everyday life.

2.2.6 The second layer of the pyramid refers to how the layout of the site can assist in reducing the need to travel, which in this instance is again linked to the existing level of provision to facilitate sustainable travel.

2.2.7 As indicated in level 3 of the pyramid, the Travel Plan co-ordinator will be free to develop further measures to maximise the sustainability of the site.

2.2.8 The fourth layer of the pyramid looks at how parking management and public transport can influence travel choice, while the top layer of the pyramid relates to how the Travel Plan will be marketed and how the measures within are to be promoted.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

3 ACCESSIBILITY BY NON CAR MODES

3.1 Introduction

3.1.1 In order to accord with the aspirations of the NPPF, any new proposals should extend the choice in transport and secure mobility in a way that supports sustainable development.

3.1.2 The accessibility of the site has been considered by the following modes of transport:

- Accessibility on foot.
- Accessibility by bus.
- Accessibility by rail.

3.2 Accessibility Appraisal

3.2.1 Pedestrian footways are located on either side on High Street and the A226 London Road within the vicinity of the site. The footways located on High Street provide access into the centre of Swanscombe and the surrounding residential areas whilst the footway provision on the A226 London Road provides access into Ebbsfleet to the east.

3.2.2 The 800 metre and 2 kilometre catchment plan displayed on **Plan 2,** shows that the entirety of Swanscombe and the areas of Northfleet and Knockhall are located within walking distance of the application site.

3.2.3 Safe pedestrian movement across the A226 London Road and High Street is provided for at the A226 London Road/High Street/Pilgrims Road signal controlled junction, with pedestrian refuges, dropped kerbs and tactile paving provided on the A226 London Road and High Street arms of the junction. Further facilities are provided on High Street in the

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

form of a Zebra crossing which is located approximately 80 metres south of the application site.

3.2.4 The existing pedestrian infrastructure provides the opportunities for both staff and customers to travel to the application site by foot.

3.2.5 The application site is located within 100 metres of the bus stops located on the A226 London Road and High Street. The bus stops located on the A226 London Road include bus shelters which display service information. Table 1 below summarises the bus services that operate along the A226 London Road and High Street.

Service No	Route	Monday – Friday Frequency per hour				Sat	Sun
		AM Peak	Midday	PM Peak	Eve		
480	Riverview Park – Gravesend – Northfleet – Bluewater	3	3	4	0	3	0
484	Ebbsfleet International – Swanscombe – Greenhithe – Bluewater	0	0	1	0	1	0
490	Singlewell - Gravesend – Northfleet - Bluewater	3	3	3	3	3	2
B	Gravesend – Greenhithe – Bluewater – Dartford – Temple Hill	5	6	5	2	6	3

Table 3.1 - Existing Bus Services Operating in The Vicinity of Site

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

3.2.6 As can be seen in Table 3.1, the bus services that operate in the vicinity of the site provide around 11 peak hour services to destinations such as Northfleet, Greenhithe and Gravesend. The services run between 0500 hours to 2300 hours, therefore providing the opportunity for staff and customers (as part of commuter trip) to travel by bus.

3.2.7 In addition, Swanscombe train station is located approximately 140 metres south of the application site and can be accessed via the pedestrian footways located on High Street. Swanscombe station is located on the North Kent Lane, it is served by 8 services per hour Monday to Saturday to destinations such as Northfleet, Gravesend, Dartford and Lewisham. The proximity of the station to the application site provides the opportunity for customers to travel by rail as part of a commuter trip at the end of the working day.

3.2.8 Based on the above it is concluded that given the sites location within Swanscombe it is highly accessible by non-car modes and provides the opportunity for journeys to and from the development to be undertaken by non-car modes.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

4 MANAGEMENT MEASURES

4.1 Introduction

4.1.1 The following measures will be delivered through the Travel Plan;

- Appointment of a Travel Plan Co-ordinator
- Ensuring travel awareness
- Ensuring the availability of travel information
- The establishment of a car sharing scheme
- Provision of a new employee 'Welcome Pack'
- Promotion of Public Transport
- Sustainable Travel Promotional Incentives

4.2 Appointment of a Travel Plan Co-ordinator

4.2.1 A Travel Plan Co-ordinator will be appointed by the applicant prior to the opening of the unit.

4.2.2 Details of the nominated Travel Plan Co-ordinator will be submitted to the Planning and Highway Authority.

4.2.3 . The Travel Plan Co-ordinator will be the first point of contact for employees and other outside organisations in all matters regarding travel. He/she will maintain an up-to-date file containing all correspondence to and from employees relating to the Travel Plan. The Travel Plan Co-ordinator will be in place prior to the unit opening.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

4.2.4 The TPC will be responsible for all aspects of the Travel Plan.

4.2.5 Their primary functions will be as follows;

- Liaison with the local planning and highways authorities;
- Provision of an employee Travel Pack containing information for staff;
- Promotion of the sustainable transport options available to staff, including public transport, cycle, walking and car sharing schemes; and
- Maintenance of all necessary systems, data and paperwork.

4.2.6 The role of the TPC will also be to develop and manage the Travel Plan for the site.

4.2.7 The duties will include monitoring, reviewing targets and forming action plans to remedy areas where the Travel Plan in not performing. Annual progress reports will be prepared and submitted to the Council.

4.3 Travel Awareness

4.3.1 The Travel Plan including its features and benefits will form part of the staff induction process for all employees. All staff will be made aware of the existence of the Travel Plan and a copy will be made available to GCC.

4.3.2 Targets for achieving a lower mode share by car and reducing the level of car usage by a given extent over a certain period will be established. These targets are discussed later on this document.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

4.4 Travel Information

4.4.1 Staff will be informed of the travel information available from the sources detailed below, this information can also be provided on staff noticeboards located within staff areas;

- www.nationalrail.co.uk
- https://www.traveline.info/
- www.sustrans.org

4.4.2 Such material and information will be placed in a prominent position within each the unit.

4.4.3 The Travel Plan Co-ordinator will ensure that all travel information and national events are also on display for staff and visitors, so staff can take advantage of the sustainable modes of travel available to them.

4.5 Car Sharing Scheme

4.5.1 It is likely staff will undertake informal car sharing without requiring a formal car sharing scheme to be in place.

4.5.2 However, the Travel Plan Co-ordinator will promote the use of car sharing scheme and employees will be encouraged to register with the Kent Connected website. Further information about lift sharing can be found at the following locations;

https://kentconnected.org/commute-smarter/car-share

4.5.3 These organisations allow users to register their details, where they are travelling in the area and if they are offering a lift or require a lift to their destination.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

4.6 New Employee 'Welcome Pack'

4.6.1 A 'Welcome Pack' will be provided to new employees starting work at the development. The pack will include information contained within the Accessibility section of this Travel Plan.

4.6.2 The 'Welcome Pack' could also include details on the intentions of the Travel Plan and why the Travel Plan has been produced, as well as contact details for the Travel Plan Co-ordinator.

4.6.3 The packs will include current information on walking and cycling routes in the area and information on current bus/rail services, i.e. timetables and route maps.

4.7 Promotion of Public Transport

4.7.1 The promotion of walking and cycling will encourage many staff who live locally to adopt these modes, but for those living further from the development, public transport provides a more suitable alternative to the private car.

4.7.2 The site is ideally place to generate and facilitate trips by public transport with bus stops located just a short distance on the A226 London Road and High Street.

4.7.3 A lack of awareness of the facilities available is often cited as a reason for not using public transport facilities. The TPC will therefore also ensure that up-to-date bus service and frequency information is clearly available for staff in a prominent position within each building, to maximise the potential use of this mode.

4.7.4 Information relating to the nearest bus stops will also be displayed appropriately. This information will be permanently on display for the information of staff.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

4.8 Sustainable Travel Promotional Initiatives

4.8.1 In addition, display boards will be used to communicate information to staff and make them aware of any initiatives being undertaken.

4.8.2 This will include the promotion of Nationally organised events such as 'Green Travel Week' or 'In Town without My Car Days', National Cycle to Work Week, Bike Week and Walk to Work days. These measures will be used to raise staff awareness to the existence and importance of the Travel Plan.

4.8.3 Any such national events will be publicised in advance so staff are aware of the travel options and initiatives are available to them. Appropriate literature, which can be downloaded from the relevant websites will be put on display in the main entrance of each unit and all staff areas.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

5 TRAVEL PLAN TARGETS

5.1 Introduction

5.1.1 This section of the Travel Plan will provide details of the targets against which the success of the Plan in achieving its objectives will be measured.

5.1.2 These targets are designed to be quantifiable, be relevant to both measures and objectives identified in the Plan and to include timescale.

5.2 Travel Targets

5.2.1 In order to set the final targets further information will have to be obtained in order to establish the baseline against which to set the targets. This information will be related to existing patterns of movement (i.e. the proportion of employees who travel to their workplace by non-car mode) and may be obtained from sources such as the National Travel Survey and the National Census.

5.2.2 The main source of baseline information would however come from the employees travel survey, which will be completed within 3 months of the business being open and will be completed annually thereafter.

5.3 Action Plan

5.3.1 Travel Plans are active documents which should be reviewed on a regular basis to ensure they reflect current opportunities and local circumstances and the review of the Travel Plan will take place annually in conjunction with BDC. Table 5.1 below provides an Action Plan for the Travel Plan Co-ordinator to undertake and this will be reviewed annually.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

Proposal	Specific Tasks	Target Date	Responsibility
Travel Plan Mechanism	Appointment of Travel Plan Coordinator	Prior to first occupation of the development	Developer
Dissemination of Information	Travel packs for staff	Distributed before first day	TPC
	Travel Information Points and Notice Boards	Installed before first occupation	TPC
Raise profile by participating in national and local	E.g. Walk to Work Week	Annual Event	TPC
Safe Cycle Route Information	Routes detailed within Travel Packs/Noticeboards	Available at first occupation	
Raise profile by participating in national and local events	E.g. Bike to Work Week	Annual Event	
Encourage use of Public Transport	Ensure timetable information is freely available at Travel Information Points and Welcome Pack.	Available at first occupation	TPC

Table 5.2 – Travel Plan Action Plan

5.3.2 The Travel Plan targets will be set for a period of 5 years as recommended by DBC.

5.3.3 Should the targets be met during this period, then the Travel Plan will remain active to ensure the figures for car travel are reduced as far as reasonably possible.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

5.3.4 The Travel Plan Co-ordinator will be responsible for on-going monitoring and regular staff travel surveys.

5.3.5 These will assess the travel habits of staff and visitors to the site and thus enable the success of the Travel Plan. The surveys will be undertaken annually for a period of 5 years and will be undertaken during the same month each year for consistency.

5.3.6 Information gathered as part of the continuous monitoring process will be made available to the local authority to assist the assessment of ongoing modal split.

5.3.7 The monitoring and assessment of the Travel Plan will include the submission of annual progress reports detailing the results of the travel surveys with regards to targets, general effectiveness and current initiatives. An annual report is to be submitted to the local authority no later than one month following the anniversary of the approval of the Travel Plan.

5.3.8 This will allow effective measures to be promoted and increased while ineffective measures can be revised and rectified. New initiatives for the coming year will also be contained within the report and submitted to officers at DBC.

5.4 Plan Monitoring and Review

5.4.1 It is essential that the Travel Plan is monitored and reviewed on a regular basis.

5.4.2 It has been requested that the Travel Plan commits to a 3-year review and evaluation.

5.4.3 This will allow effective measures to be promoted and increased while ineffective measures can be revised and rectified. New initiatives for the coming year will also be contained within the report and submitted to officers at the Council.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

5.4.4 Should the Travel Plan not meet its targets at the end of the initial monitoring period, then the monitoring period (including the period in post of the Travel Plan Co-ordinator) will be extended and a further review of measures and incentives will be undertaken.

5.4.5 A summary of the annual monitoring report will be disseminated to staff, in order to raise Travel Plan awareness, as well as keeping them informed about the progress of the TP.

5.4.6 As part of this, staff will be encouraged to offer ideas as to how the Travel Plan could be more successful or other measures, they feel would assist in reducing car travel.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

6 CONCLUSIONS

6.1.1 This Travel Plan has detailed the proposals associated with the development site to promote sustainable modes of travel and reduce the dependency of the private car.

6.1.2 Additionally, the Travel Plan has presented a series of measures to be implemented to reduce the number of single car occupancy trips.

6.1.3 The information contained within the Travel Plan and details of sustainable modes of transport in the vicinity of the site will be accessible to staff employed at the development.

6.1.4 The aim of the Travel Plan is:

- to encourage staff to use sustainable modes of transport to access the site;
- reduce the reliance on single car occupancy journeys; and
- generally reduce traffic related pollution and noise.

6.1.5 A wide range of measures and actions will be used to encourage car sharing, public transport use, cycling and walking.

6.1.6 The Travel Plan Co-ordinator will ensure the Travel Plan is implemented and is operating effectively.

6.1.7 A detailed employee Travel Survey will be undertaken to establish travel modes of staff and following this, specific targets will be set and agreed with the Travel Plan team at the Council.

6.1.8 The site has been demonstrated to benefit from good non-car accessibility and it should, therefore, be expected that the adoption of a Travel Plan would be particularly effective.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

6.1.9 It can therefore be concluded that the proposals will provide a highly sustainable development and should be considered acceptable to the local highway authority.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

Croft Transport Planning & Design

340 Deansgate

Manchester

M3 4LY

0161 837 7380

eddisons.com

Offices across the UK

Eddisons
TRANSPORT PLANNING & DESIGN
Incorporating Croft Transport Planning & Design

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

PROPOSED CHANGE OF USE APPLICATION, GEORGE AND DRAGON PUBLIC HOUSE, SWANSCOMBE – HIGHWAYS APPEAL STATEMENT – AUGUST 2020

Croft have been instructed by Zaan Ltd to advise on the traffic and transportation issues relating to the proposals for a change of use of the George and Dragon Public House from A4 (Public House) to a A5 Pizza Delivery and Takeaway unit (Restricted Use). The unit will be occupied by Domino's Pizza.

A planning application for a change of use) was submitted to the Ebbsfleet Development Corporation (EDC) on the 20th April 2020 and was refused planning permission by delegated powers on the 15th June 2020 (Planning Ref: EDC/19/0203), with the following highways reason for refusal cited;

"The proposal has not demonstrated that adequate provision for customer parking could be provided at the site in addition to staff parking. This would likely result in unacceptable adverse impacts upon the transport and access conditions within the surrounding area, unacceptable increases to on-street parking and give rise to noise and disturbance impacting residential amenity in the immediate area, contrary to policies DP3, DP4, DP5 and DP19 of the Dartford Development Policies Plan July 2017."

During the determination of the planning application the local highways authority (Kent Council Council) provided a consultation response. The response dated the 13th May 2020 offered no objections to the proposals subject to planning conditions being attached. The Kent County Council consultation response is contained within **Appendix 1**.

However, the local planning authority (EDC) instructed a third party consultant (DHA) to undertake a review of the traffic and transportation elements of the application, a Technical Note was produced (dated 5th June 2020) a copy of this document is provided in **Appendix 1** whilst the conclusion of the document is provided below;

"Based on the information presented, it is not possible to confirm the appropriateness of the proposed on-site parking provision. As such, it is recommended that a 'first principles' assessment of the likely peak order periods (for both deliveries and collection) and the associated parking demand is completed. This will enable an informed decision to be taken on this aspect of the scheme."

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

As can been seen above, DHA didn't offer any objections to the scheme and the conclusion was that further information was required to determine the application. Although a response was provided to EDC on the 12th June 2018, there appears to have been insufficient time to consider this information prior to the Decision Notice being issued on the 15th June 2020. A copy of the email sent to EDC is contained within **Appendix 1**.

Reasons for Refusal

The following section of this Technical Note will consider the appeal proposals in relation to the four local planning policies referenced within the highways reason for refusal.

Dartford Development Policies Plan (July 2017) – Policy DP3

Policy DP3 of the Adopted Dartford Development Policies Plan (DPPP) titled 'Transport Impacts of Development' is primarily concerned with the transport impacts of the development and states the following regarding new developments;

1. *Development will only be permitted where it is appropriately located and makes suitable provision to minimise and manage the arising transport impacts, in line with Core Strategy policies CS15 and CS16. Localised residual impacts on the highway network should be addressed by well-designed off-site transport measures. Adverse effects on residential amenity or the environment must be minimised.*
2. *Development will not be permitted where the localised residual impacts from the development on its own, or in combination with other planned developments in the area, result in severe impacts on one or more of the following;*
    a) *Road traffic congestion and air quality;*
    b) *Safety of pedestrians, cyclists and other road-users;*
    c) *Excessive pressure for on-street parking.*

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

It is important to note that, following the submission of the planning application it can now be confirmed that the unit will be operated by Domino's as a Takeaway unit. Confirmation that the unit will be occupied by Domino's enables further details to be provided on how the unit will operate, based on experience of other units including those operated by the franchisee of the proposed store.

The franchisee currently operates 3 units in the Kent area including a unit in Northfleet. The unit is located at 39 The Hill within the urban area of Northfleet. The B2175 The Hill which the site is located on is a key vehicular route between Northfleet and Dartford and becomes the A226 and passes the appeal site.

Although the Northfleet site doesn't have off-street parking and parking occurs on the surrounding highway network. It is felt that the characteristics of the site are similar to that of the appeal site. In addition, the franchisee has confirmed that they expect the proposed unit to have similar trading patterns as the Northfleet unit. Therefore, to advise on the likely traffic impact of the proposals the Northfleet unit has been used as proxy for the proposed unit.

To demonstrate the minimal impact of the proposals on the local highway network, summary of transaction data for the Northfleet unit and also other units in the Franchise group has been provided by the Franchisee. Detailed transaction information for the is not available for the purpose of this document, but the information provided does provide sufficient information on the likely trade patterns of existing Domino's units.

Table 1 below summarises the % of trade that were take-out transaction (phone/walk in orders) for the 8 week period between January 6th 2020 and 1st March 2020.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

Period	% Carry Out Transactions Gravesend Unit	% Carry Out Transactions All Units
January 6th – 12th 2020	25.6%	23.2%
January 14th – 20th 2020	23.6%	22.0%
January 21st – 27th 2020	23.2%	23.9%.
January 27th – 2nd February 2020	23.7%	23.6%
3rd February – 9th February 2020	23.9%	23.0%
10th February – 16th February 2020	22.5%	22.1%
17th February – 23rd February 2020	21.8%	22.2%
24th February – 1st March	24.4%	22.9%
Average	23.6%	22.9%

Table 1 - Summary of Domino's Take-out Transaction

As can be seen in Table 1, the % carry out transactions are slightly higher than those at other units within the franchise. But it clearly demonstrates that a large proportion of trade i.e. 74.6% of trade are deliveries following internet or phone orders and therefore reducing customer trips to and from the units.

In terms of peak periods for the Northfleet branch, the weekday peak period occurs between 1800 hours and 2030 hours whilst the weekend peak period occurs between 1800 hours and 2100 hours. Therefore, outside of the traditional peak periods on the local highway network.

In terms of the busiest day this is typically a Friday, 51% of daily orders occur during the peak period but just 14% of these are carry out transactions and not all of these will be picked up by customers who drive to the unit.. A proportion of these will be picked up by pedestrians as part of linked trip to another destination i.e. leisure activity.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

With regard to parking demand generated by the appeal proposals, information provided by the Franchisee for the Northfleet store indicates that the proposed unit will have the following staffing levels;

- Full Time – 3 – 4 staff members
- Part Time – 7-8
- Delivery Drivers – 13 Part time (due to seasonal, holiday periods and special promotional periods.)

The above staffing levels are based on experience of the Franchisee. Table 2 below summarises a Friday (busiest day) rota for the existing Northfleet store and similar staffing levels are proposed for this site.

Period	% Carry Out Transactions Gravesend Unit	% Carry Out Transactions All Units
Manager	10:30	23:00 (Close)
Instore 1	16:00	20:00
Instore 2	17:00	21:50
Instore 3	17:00	21:00
Instore 4	17:00	20:00
Instore 5	18:00	21:00
Instore 7	18:00	23:00 (Close)
Driver 1	10:30	20:00
Driver 2	14:00	20:00
Driver 3	16:00	20:00
Driver 4	17:30	21:00
Driver 5	17:30	21:00
Driver 6	17:30	21:00
Driver 7	17:30	22:00
Driver 8	17:30	22:00

Table 2 - Summary of Typical Northfleet Friday Staffing Rota

As can be seen from the above table the maximum number of staff employed at Northfleet on a typical Friday would be 15 staff members. It should be noted that given the demographics of Domino's employees a proportion will not drive to work i.e. get lift from parents/guardian.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

In addition, experience at other units has indicated that informal staff car sharing due to the shift patterns at existing Domino's store. Where possible Domino's try to employ local staff members where possible and giving the sites location within Swanscombe there is the potential for a large proportion of staff members to travel to and from work by sustainable modes and not by the private car. Therefore, other than the delivery drivers, the level of staff vehicle trips to and from the site will be extremely low as will demand for parking.

With regard delivery drivers, up to 8 delivery drivers will be working during the evening peak from 1730 hours onwards and these will undertake multiple deliveries. Clearly not all of these drivers would be on site at the same time as they will be off-site undertaking deliveries, on average a driver visit to a store is between 2 to 3 minutes and therefore the requirement for parking for delivery vehicles is not expected to exceed 3 to 4 spaces (even this will be rare).

Therefore, if robustness, it is assumed that 3 delivery vehicles were on site at one time and 3 store staff (50% of total) drove to work that would equate to 6 spaces being occupied, this would result in a total of 3 spaces being left for customers.

Based on experience of this type of land-use the demand for parking provision is relatively low, as way of demonstration reference has been made to an Appeal Decision for Pizza Hot Food Takeaway, such as the one proposed, off High Street in Treorchy (Appeal Ref: APP/L6940/A/18/3193479). Paragraph 4 of the Appeal Decision states the following regarding demand for parking; (**Appendix 2**)

'4. Evidence from the appellant however substantiates that a worst-case scenario would be a parking requirement of 2-3 spaces at any one time.'

It is proposed that car parking for the unit will be provided to the rear of the unit, vehicular access will be provided via the shared vehicular access off High Street. The car parking is currently unmarked, as part of the proposals it proposed to introduce marked parking bays, this will result in the provision of the 8 marked bays within the site. It is proposed that these bays will be used by both delivery drivers and customers. The proposed car park layout is displayed in **Plan 1** of this document.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

It should be noted that the layout of the car parking was considered by DHA on behalf of EDC and they concluded the following in their report;

"Swept path analysis for the proposed car parking arrangement was submitted as part of the application. To confirm its suitability, further swept path analysis has been conducted by DHA for an estate car and an SUV. The associated drawings are included at Appendix B. These confirm that the parking arrangement would be suitable for the needs of customers and delivery drivers."

In terms of the impact of parking on the local highway network, the above has demonstrated that the proposed car parking provision will be sufficient to accommodate demand even based on robust assumption. However, it should also be noted that the Traffic Regulation Orders (TROs) are in operation in the vicinity of the site.

Traffic Regulations (TROs) in the form of double yellow marking are located on High Street along the entirety of the site's frontage, these are in operation between 0800 hours to 1830 hours Monday to Saturday to protect the operation of the signal controlled junction. These restrictions are also located on the eastern side of the High Street carriageway.

No TRO's are located on the other arms of the signal controlled junction in the vicinity of the application site. But given the frontage of the site onto the A226 London Road is located within the signal junction itself, parking in this location is highly unlikely. To the east of the application site on the A226 London Road, parking restrictions are located in the bus layby, this TRO restrictions 'No Stopping Except Buses at All Times'.

Given the existing TRO's in the vicinity of the site and the proposed car provision, there is no evidence to suggest that the proposals will result in on-street car parking in the vicinity of the site.

The issue of customers parking on double yellow markings has been considered at an appeal for a Dominos unit on Bedminster Parade in Bristol (Appeal Ref: APP/Z0116/A/12/2176015) with the Appeal Decision stating the following in paragraph 8; **(Appendix 2)**

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

'8. Of course, some people might be tempted to park as close as possible to the unit, ignoring traffic restrictions. Yet the appellant's evidence indicates that customers spend about 5-10 minutes within a Dominos unit on average. It seems to me that most people would be reluctant to park in a hazardous location for this length of time, given that there appear to be reasonable opportunities to park in the general area.'

Further consideration off on-street parking is provided within the Treorchy Appeal Decision which states the following in paragraph 5;

'5. There are parking restrictions in place to prevent illegal parking and to safeguard provision for residents. From the representations received it would appear that these parking restrictions are not being fully enforced, but that is a separate matter for the relevant enforcement authority. It remains the case that there are provisions in place to ensure the effective control of parking. Moreover, because of the busy traffic flows on High Street and having regard to the signal controlled junction, it would be clearly obvious to most drivers that parking on the restricted sections of the highway would cause serious obstruction to the free flow of traffic in an illegal and anti-social manner. In my view, this would be a significant deterrent for most drivers.'

It is therefore concluded that the planning application proposals are highly unlikely to result in any increase in illegal car parking within the vicinity of the site and that those customers driving to the unit will park within the car park to the rear of the unit.

Notwithstanding the above, if deemed necessary to mitigate the impact of the proposed development, the appellant is willing to fund a revised TRO to implement Double Yellow Lines in the vicinity of the site as stated within KCC's Highways consultation response.

"I would suggest the applicant liaise with KCC Highways and Transportation and Dartford Borough Council to investigate the implementation of Double Yellow Lines within the vicinity of the site. Any changes to the Traffic Regulation Order would be subject to consultation and at a cost to the applicant."

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

Based on the above, it is concluded that the proposed change of use will have a minimal impact on the operation on the local highway network. The proposed car parking provision will be more than sufficient to accommodate the level of demand even based on the robust assumptions detailed above. There is no evidence to suggest that the proposals will result in an increase in on-street parking and therefore will not impact on highway safety or capacity.

Therefore, it is concluded the proposals are in accordance with. Policy DP3 of the Adopted Dartford Development Policies Plan.

Dartford Development Policies Plan (July 2017) – Policy DP4

Policy DP4 of the Adopted DPPP which is titled Transport Assess and Design, looks to ensure that all new developments are designed to facilitate pedestrian, cycle and public transport journeys. Section of 2 of the Policy provides a list of criteria that new developments must accord with to permitted. The criteria which are of relevance to this particular development are listed below;

- *Provision is made for safe and convenient access to footpaths and cycle routes, with public rights of way protected including, where opportunities exist, delivering new or enhancing existing routes between key facilities/that link to the wider highways and green grid network: and linkages to existing neighbourhoods.*
- *The layout and siting is acceptable in terms of residential amenity, highways capacity and safety, free flow of traffic, cyclists and pedestrians, and visual impact.*
- *Provision is made for loading, unloading and the turning of service vehicles ensuring highway and pedestrian safety.*
- *The extent and nature of the proposed car parking provision, taking into account any existing provision as relevant to the development, must be in full accordance with adopted Parking Standards SPD.*

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

The site is located is located approximately 200 metres north of Swanscombe district centre, it is bound to the north by the A226 London Road and High Street to the east. Pedestrian footways are located on either side of High Street and the A226 London Road within the vicinity of the site. The footways located on High Street provide access into the centre of Swanscombe and the surrounding residential areas whilst the footway provision on the A226 London Road provides access into Ebbsfleet to the east.

Safe pedestrian movement across the A226 London Road and High Street is provided for at the A226 London Road/High Street/Pilgrims Road signal controlled junction, with pedestrian refuges, dropped kerbs and tactile paving provided on the A226 London Road and High Street arms of the junction. Further facilities are provided on High Street in the form of a Zebra crossing which is located approximately 80 metres south of the application site.

The existing pedestrian infrastructure provides the opportunities for both staff and customers to travel to the application site by foot. The proposed development has been designed to link with the existing facilities with access into the unit for customers provided off London Road via the existing access to the unit.

The site is located within 100 metres of the bus stops located on the A226 London Road and High Street. The bus stops located on the A226 London Road include bus shelters which display service information. The bus services that operate in the vicinity of the site provide around 11 peak hour services to destinations such as Northfleet, Greenhithe and Gravesend. The services run between 0500 hours to 2300 hours, therefore providing the opportunity for staff and customers (as part of commuter trip) to travel by bus.

In addition, Swanscombe train station is located approximately 140 metres south of the application site and can be accessed via the pedestrian footways located on High Street. Swanscombe station is located on the North Kent Lane, it is served by 8 services per hour Monday to Saturday to destinations such as Northfleet, Gravesend, Dartford and Lewisham. The proximity of the station to the application site provides the opportunity for customers to visit the development as part of a commuter trip at the end of the working day to collect their order.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

Based on the above it is concluded that given the sites location within Swanscombe it is highly accessible by non-car modes and provides the opportunity for journeys to and from the development to be undertaken by non-car modes.

With regard to servicing, information provided by the applicant indicates that the largest vehicle to service the unit will be 26 tonne (11 metre) rigid vehicle HGV. Based on experience, deliveries will occur up to 3 times a week outside of peak periods and the duration of deliveries will be between 30 minutes and 45 minutes

It is proposed that servicing will be undertaken kerbside in a safe location as they will have been for the existing public house land-use. The servicing arrangements for the proposals were not raised as a concern by the local highway authority during the determination of the planning application. Therefore, it is concluded that the proposals can be serviced in a safe and efficient manner.

Car parking standards for the Swanscombe area are contained within Dartford Borough Council's Parking Standards Supplementary Planning Document (SPD) which was adopted in July 2012. This document sets the required standards and states that the parking standard for A5 Hot Food Takeaways is as follows;

- Employees - 1 space per 2 staff; and
- Customers - 1 space per 10sqm gross floor area.

Based on the floor area of 339.7sqm the required parking provision is 34 car parking spaces are required for customers. However, these standards have been derived to cover the parking requirements for larger units such as McDonalds and KFC which are also encompassed within the A5 Hot Food takeaway land-use.

The parking requirements for these types of occupiers differ vastly to that of the proposed land-use, the duration of stay of customer are much longer and a higher proportion of trade is generated by at the counter orders. As demonstrated previously, nearly all orders are made prior to arriving at the unit and a large proportion of orders are delivered.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

Therefore, it is concluded that the parking ratio for A5 Hot Food Takeaway contained in the Local Authority Parking standards are set irrespective of the scale of the unit and they fail to differentiate between the various A5 Land-uses, despite them having fundamental differences in terms of customers habits.

It should be noted that the parking requirements in the SPD for the existing land-use are the same as those for the proposed land-use. As previously stated, when the public house was last operational the car park to the rear was not available. Therefore, there would have been element of on-street parking created by this land-use which could occur again without the requirement for further planning permission.

Notwithstanding the above, the SPD does state that the local authority will work developers/applicants to reduce the parking requirements and paragraph 4.4 of the SPD states the following;

"This SPD sets out the required level of parking which is considered appropriate, according to the location and type of use. An alternative level of provision may be considered on a site specific basis, where evidence to justify it on the circumstances of the specific case is provided. Where a lower standard of provision is proposed, a Travel Plan and/or Transport Impact Assessment/Transport Statement will need to demonstrate that the proposed provision would meet the demand for parking generated by the development."

As previously stated within the section considering Policy DP4, the proposed car parking provision can accommodate the likely level of demand generated by the proposals and will not result in an increase in off-street parking. In addition, a Travel Plan has been provided to encourage staff travel.

In conclusion, the proposals are in accordance with Policy DP4 for the following reasons;

- The site is located within a sustainable location and is accessible by non-car modes including public transport.
- The service arrangements for the unit will remained unchanged and the site can be serviced safely and adequately off the surrounding highway network.
- The highways authority has accepted that there is sufficient car parking capacity within the

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

site to accommodate demand generated by delivery drivers, staff and customers. within the vicinity of the site to accommodate demand generated by customers.

- It has been demonstrated that there is adequate parking arrangements for delivery vehicles within the vicinity of the site at all times.

Dartford Development Policies Plan (July 2017) – Policy DP5

Policy DP5 'Environmental and Amenity Protection' is concerned with assessing the individual and cumulative impacts of developments on the environment including residential amenity. With regard to highways it states that impacts on traffic, access and parking should be considered.

The proposed impact of the proposals on traffic, access and parking has been considered within the previous sections of this document. With this in mind, it is concluded that the traffic impacts of the proposals will not adversely impact on the environment including residential amenity. Therefore, the proposals are n accordance with Policy DP5 of the Dartford Development Policies Plan.

Dartford Development Policies Plan (July 2017) – Policy DP19

Policy DM19 'Food and Drink Establishments is concerned with the assessing the individual and cumulative impacts of food and drink uses. With regard to highways it states the following should be considered;

- *Access, servicing and parking arrangements for the proposal do not result in adverse material impact on the safety and traffic flows or cause unacceptable increases to traffic and parking.*

As detailed previously, the proposed development will not result in material increases in vehicle movements on the local highway network.

In addition, the proposed car parking provision is sufficient to accommodate the likely levels of demand generated by the proposals. Based on this, it is concluded that the proposals are in accordance with Policy DP19 of the Dartford Development Policies Plan.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

RICS

Summary

Croft have been instructed by Zaan Ltd to advise on the traffic and transportation issues relating to the proposals for a change of use of the George and Dragon Public House from A4 (Public House) to a A5 Pizza Delivery and Takeaway unit (Restricted Use). The unit will be occupied by Domino's Pizza.

The following conclusions have been drawn with regard to the proposed development;

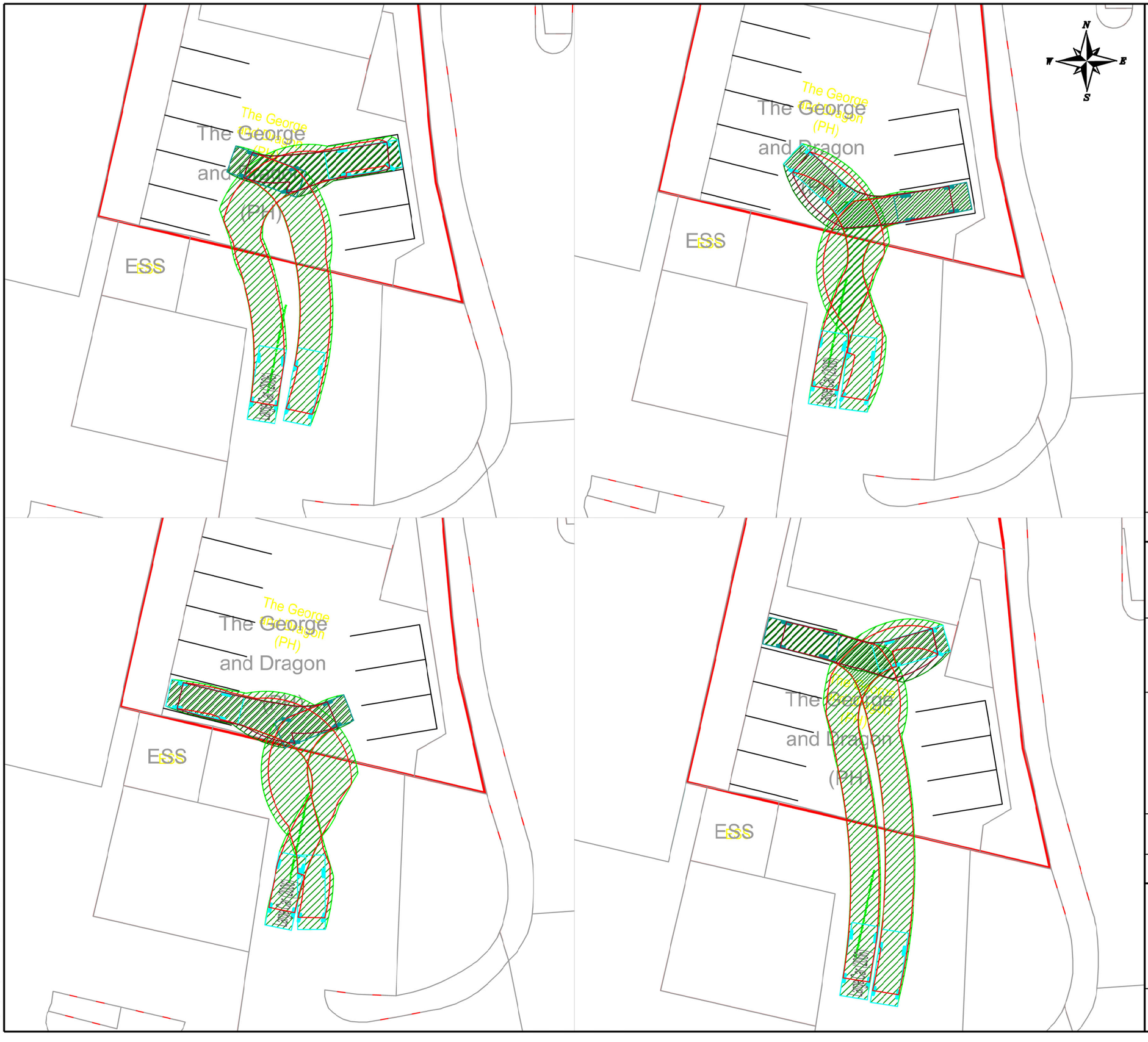
- Parking restrictions are in place in the vicinity of the site, which prohibits illegal parking for customers and delivery drivers.
- Parking provision is provided to the rear of the building which can accommodate the likely demand for parking generated by the proposals.
- The development can be accessed and serviced in a safe and efficient manner.

Based on the above it is concluded that the development is in accordance with the NPPF, as the residual cumulative impacts of the development cannot be considered severe and there remains no material reason why the proposed development should not be granted planning consent on highways or transportation grounds.

Eddisons is a trading name of Eddisons Commercial Limited.
Registered in England 3280893. Registered Office: Toronto Square, Toronto Street, Leeds, LS1 2HJ

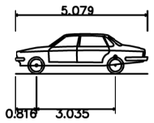
RICS

PLANS



N
W
E
S

NOTES



PLAN 1

Large Car (2006)	
Overall Length	5.079m
Overall Width	1.872m
Overall Body Height	1.525m
Min Body Ground Clearance	0.310m
Max Track Width	1.831m
Lock to lock time	4.00s
Kerb to Kerb Turning Radius	5.900m

Large Car (2006)

REV	DETAILS	DRAWN	CHECKED	DATE
-	-	-	-	-

CLIENT:

ZAAN LTD.

PROJECT:

GEORGE AND THE DRAGON PH, SWANSCOMBE

DRAWING TITLE:

SWEPT PATH ANALYSIS

SCALES:

1:250 @ A3

DRAWN:	CHECKED:	DATE:
DG	TSB	FEB 20

Croft Transport Planning & Design
340 Deansgate
Manchester
M3 4LY

Email: info@croftts.co.uk
Tel: 0161 837 7380
Web: www.croftts.co.uk

CROFT

DRAWING NUMBER:	REVISION:
2984-SP01	-

Z:\projects\2984 George & Dragon PH, Swanscombe\CAD\Croft Drawings\2984-F01.dwg

APPENDICES

APPENDIX 1

Consultation Responses

Highways and Transportation
Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD
Tel: 03000 418181
Date: 13 May 2020

Ebbsfleet Development Corporation
The Observatory
Castle Hill Drive
Cstle Hill
Ebbsfleet
Kent
DA10 1EE

Application - EDC/19/0203
Location - The George and Dragon, London Road, Swanscombe, Kent, DA10 0LQ
Proposal - Change of use of the existing ground floor and basement from A4 (Public House) to pizza delivery and takeaway (restricted A5 use).

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters:

This application is a non-protocol application, and KCC Highways and Transportation would not normally comment on change of use applications. I would suggest the applicant liaises with KCC Highways and Transportation and Dartford Borough Council to investigate the implementation of Double Yellow Lines within the vicinity of the site. Any changes to the Traffic Regulation Order would be subject to consultation and at a cost to the applicant.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called ‘highway land’. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have ‘highway rights’ over the topsoil. Information about how to clarify the highway boundary can be found at https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Lisa Daniels
Development Planner

TRANSPORT TECHNICAL NOTE

Site: The George and Dragon Public House, Swanscombe

Client: Ebbsfleet Development Corporation

Prepared by: DHA

Date: June 2020

1.1 Introduction

1.1.1 This Technical Note (TN) has been prepared on behalf of Ebbsfleet Development Corporation in relation to the development proposals at the George and Dragon Public House at Swanscombe, Dartford. The site is currently the subject of a live planning application (Planning Application Reference: EDC/19/0203) for the change of use from a public house (Use Class A4) to a pizza delivery and takeaway (Use Class A5). For reference, the site layout is included at **Appendix A**.

1.1.2 It is noted that Kent County Council Highways and Transportation (KCC H&T) has offered no objection to the application, requesting only that a Traffic Regulation Order (TRO), for the provision of double yellow line restrictions across the site frontage, be made.

1.1.3 This TN reviews the development proposals in the context of the likely highways impacts that could arise, namely with regard to on-site parking provision and the potential for overspill to take place.

1.2 Proposed On-Site Parking Arrangement

1.2.1 The proposals include the provision of eight marked parking spaces which will be accessed from the rear of the unit via the existing shared commercial vehicle access from the High Street. These bays will be utilised by both customers and delivery drivers.

1.2.2 Swept path analysis for the proposed car parking arrangement was submitted as part of the application. To confirm its suitability, further swept path analysis has been conducted by DHA for an estate car and an SUV. The associated drawings are included at **Appendix B**. These confirm that the parking arrangement would be suitable for the needs of customers and delivery drivers.

1.3 Proposed On-Site Parking Quantum

1.3.1 A Transport Note, produced by Croft Transport Planning and Design, was submitted in support of the planning application in February 2020. Within this, it noted that in accordance with Dartford Borough Council's Parking Standards Supplementary Planning Document (2012), for 'A5 Hot Food Takeaway' uses, the site could be required to provide up to 34 spaces for customer parking, with additional spaces required for staff.

1.3.2 The Transport Note goes on to state that the standard provided encompasses all forms of takeaway uses, including more trip-intensive takeaways such as McDonalds, which would naturally require a greater level of on-site parking. It notes that for a pizza takeaway and delivery, the majority of orders are placed prior to arrival rather than over the counter, and as such the need for on-site parking is reduced.

1.3.3 The Note further states that for a pizza takeaway, it is expected that 60% of all orders would be delivered to customers, with the remaining 40% being in-store collections.

1.3.4 It is then referenced that the parking requirements for a takeaway and a public house are the same. When the public house was last operational, no on-site parking was provided, which the Note states would have led to an element of on-street parking. This statement is not substantiated with any evidence, however. Moreover, given the nature and urban location of the public house, which appears to have been primarily a drinking establishment with a localised catchment area – rather than a pub/restaurant use targeting larger, family groups – it is considered unlikely that it would have generated significant parking demand.

1.3.5 The Transport Note goes on to reference two appeal cases. The first concerned a proposed change of use from a bank (A2) to a takeaway, which the appellant stated would generate demand for 2-3 parking spaces at any one time. Like the proposal site, the appeal site was situated at a busy junction intersection.

1.3.6 The Inspector's report stated that:-

> *"...because of the busy traffic flows on High Street and having regard to the signal controlled junction, it would be clearly obvious to most drivers that parking on the restricted sections of the highway would cause serious obstruction to the free flow of traffic in an illegal and anti-social manner. In my view, this would be a significant deterrent for most drivers."*

1.3.7 The Inspector further referenced the sustainable location of the site in the context of surrounding residential properties, which meant it was not unreasonable that some trips to it could be undertaken on foot. It is considered that these statements are equally applicable to the proposal site.

1.3.8 The second appeal case concerned a Domino's Pizza in Bristol. The site is located off the A38 in the heart of Bristol City Centre. As such, it is not considered comparable to the proposal site, as there would likely be a much higher pedestrian mode share, as well as the opportunity for parking in nearby public car parks. This case does, however, provide evidence that uses of this nature rely heavily on deliveries as opposed to customer collections and the Inspector noted that:-

> *"The appellant's evidence indicates that customers spend about 5-10 minutes within a Dominos unit on average. It seems to me that most people would be reluctant to park in a hazardous location for this length of time."*

1.3.9 A review of the TRICS trip rate database has found no comparable sites to the proposal site. Having assessed similar pizza takeaways in Kent, overall parking provision is generally seen to be limited. For example, the Domino's sites at

Rainham and Strood are located off the A2, a principal route with high vehicle volumes, and both provide approximately three customer parking spaces.

1.3.10 However, the Transport Note supporting the planning application does not provide any quantitative evidence in relation to the anticipated peak delivery / collection demand or likely parking accumulation at the site, from which it could be confirmed that the on-site parking provision would be suitable. It is noted in this respect that the appeal cases referred to provide details of the expected parking demand (Treorchy) and first principles evidence of peak period orders (Bristol).

1.4 Recommendation

1.4.1 Based on the information presented, it is not possible to confirm the appropriateness of the proposed on-site parking provision. As such, it is recommended that a 'first principles' assessment of the likely peak order periods (for both deliveries and collection) and the associated parking demand is completed. This will enable an informed decision to be taken on this aspect of the scheme.

APPENDIX
A

Site Layout

1 to 20

18a

19

PILGRIM'S ROAD

PC

29.9m

LONDON ROAD (A226)

5

2

01

02

03

04

05

Parking

06

07

08

HIGH STREET

1 to 14

1 to 2

Existing access retained

TREE TPO 2 of 2020

ALL SAINTS CLOSE

Galley Hill Trading Estate

6

N

Proposed Site Plan

1:200

0m 2m 5m 10m 20m

Cook Associates Architects

Capital House, 3 Jubilee Way, Faversham, Kent, ME13 8GD
T: + 44 (0) 1795 532834 E: mail@cook-design.com W: www.cook-d

Client : Mr A Mumtaz

Project No : 19007

Project : The George and Dragon Public House
London Road
Swanscombe
Kent
DA10 0LQ

Drawing Title : Proposed Site Plan

Drawn by : SIB

Checked by :

Date : April 2020

Scale @ A1: 1:200

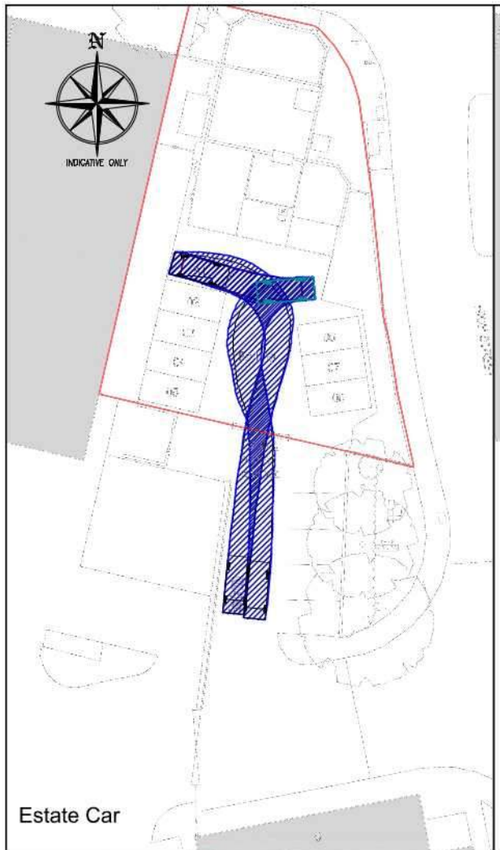
Status: PLANNING

Drawing No : 005

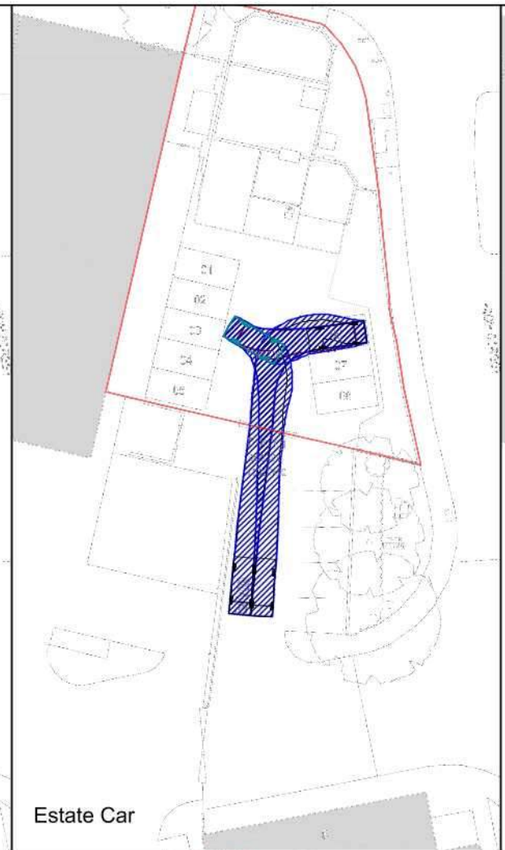
Rev. No : -

APPENDIX B

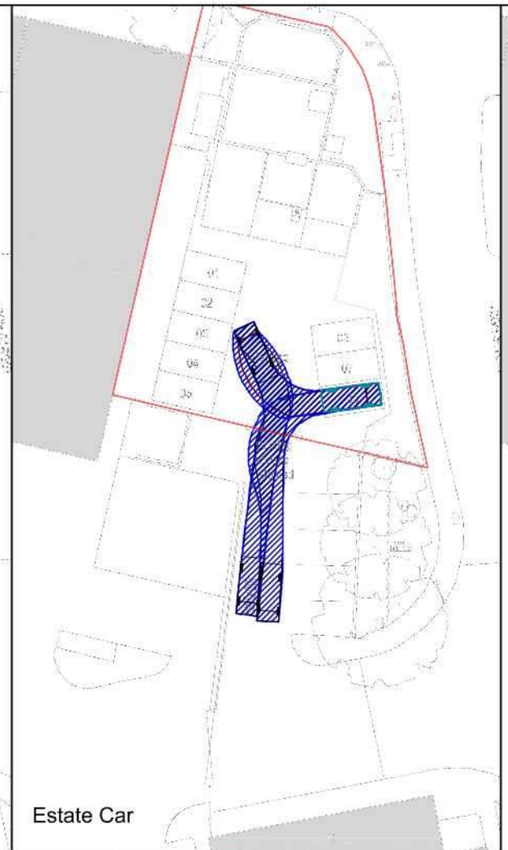
Swept Path Analysis



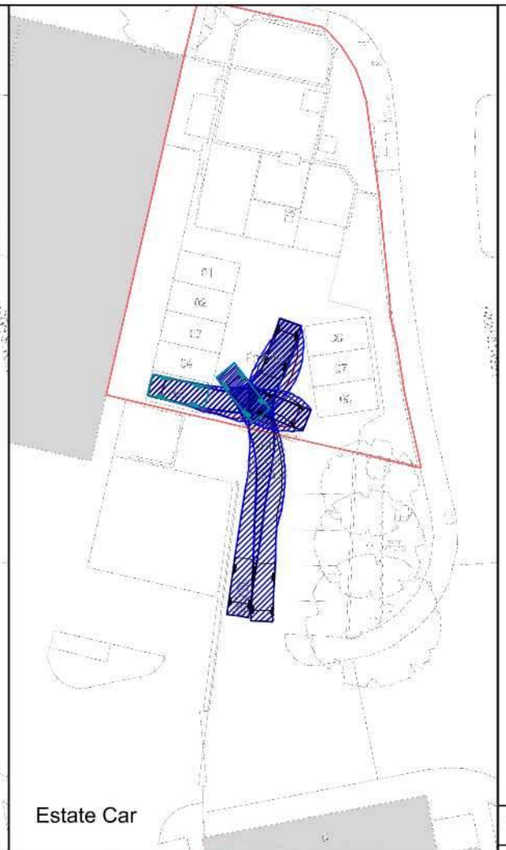
Estate Car



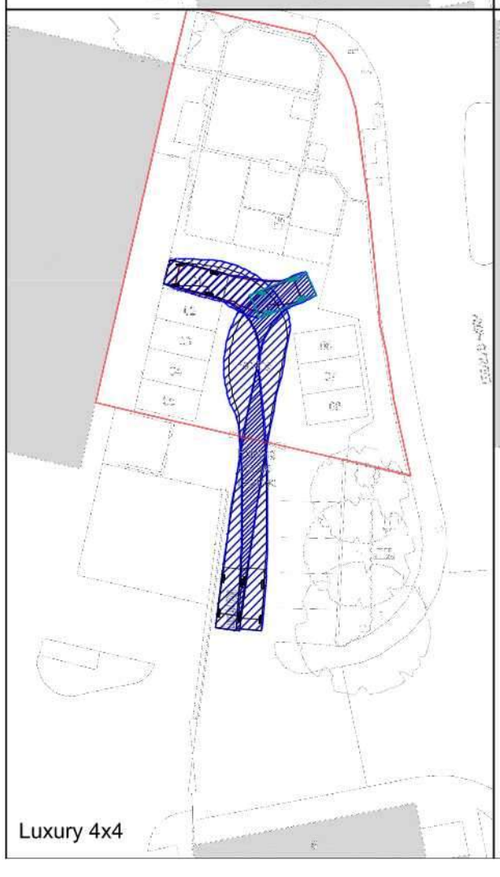
Estate Car



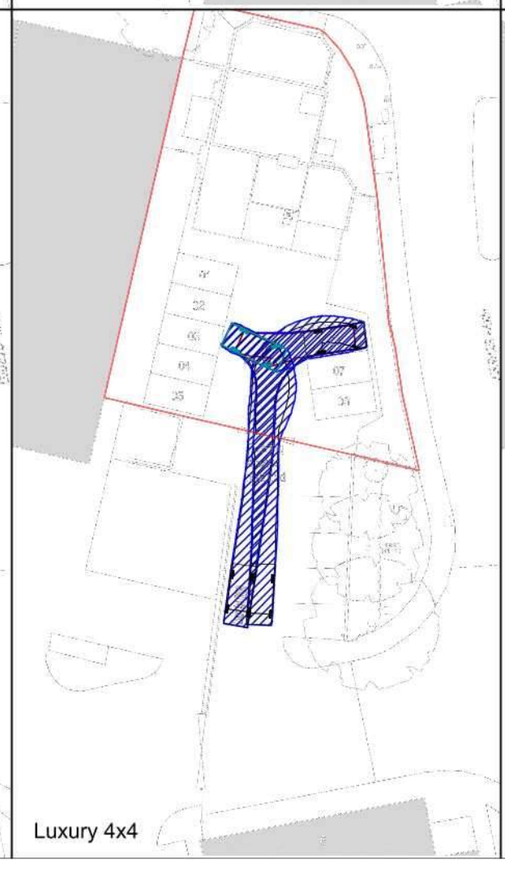
Estate Car



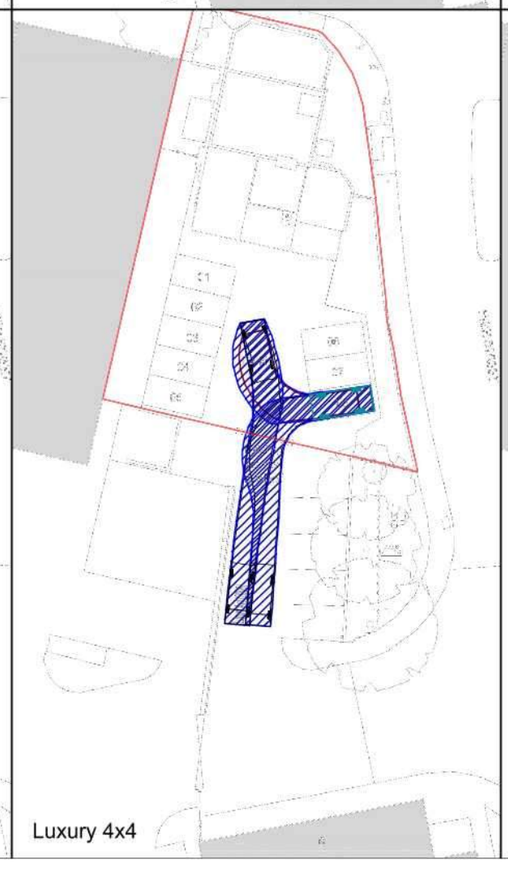
Estate Car



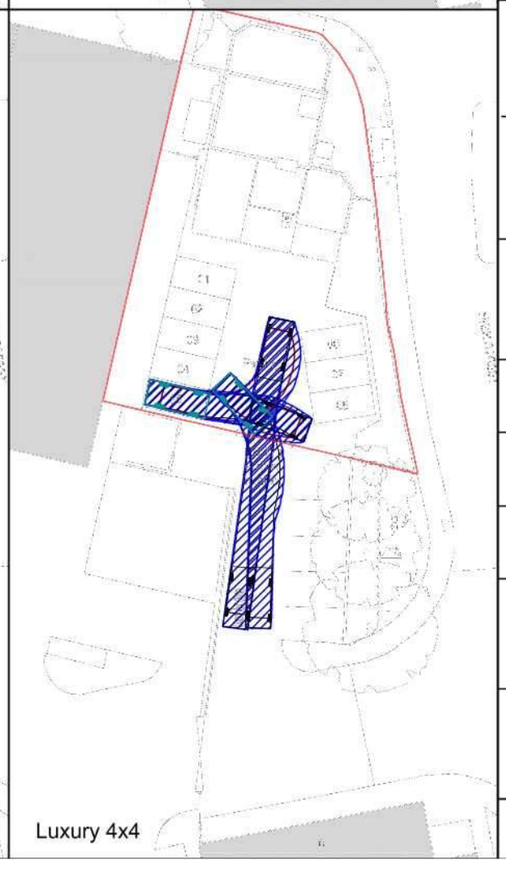
Luxury 4x4



Luxury 4x4



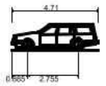
Luxury 4x4



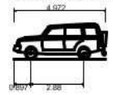
Luxury 4x4

DO NOT SCALE

© Crown Copyright 2019. All rights reserved. Licence Number 100031961



Estate Car (2006)	
Overall Length	4.710m
Overall Width	1.804m
Overall Body Height	1.442m
Min Body Ground Clearance	0.207m
Max Track Width	1.756m
Lock to lock time	4.00s
Kerb to Kerb Turning Radius	5.950m



Luxury 4x4 (2006)	
Overall Length	4.972m
Overall Width	2.034m
Overall Body Height	1.905m
Min Body Ground Clearance	0.279m
Max Track Width	1.884m
Lock to lock time	4.00s
Kerb to Kerb Turning Radius	5.800m

Notes:

- Drawing is based on a pdf drawing created by Cook Associates with reference job number 19007 and drawing no 005.

5 0 5 10 15 20 25

Metres (1:500)

REV	DATE	BY	DESCRIPTION	CHK	APD
P1	04.06.20	JM	First Issue	CS	CS

client

EBBSFLEET DEVELOPMENT CORPORATION

project

GEORGE AND DRAGON

title

VEHICLE SWEPT PATH ANALYSIS
PARKING

project	drwg	rev
14656	T-01	P1

Drawn	Checked	Approved	scale @ A3	date
JM	CS	CS	1:500	04.06.20

status: FOR INFORMATION — P

Eclipse House, Eclipse Park. Sittingbourne Road
Maidstone, Kent. ME14 3EN
t: 01622 776226 f: 01622 776227
e: info@dhaplanning.co.uk w: www.dhaplanning.co.uk

CAD Reference: A3

From: Fergus Sykes
To: Michael Fishpool
Cc: Emma Morrison
Subject: FW: George and Dragon, London Road, Swanscombe, DA10 0LQ
Attachments: image008.jpg
image009.jpg
image010.jpg
image011.jpg
image012.jpg
image006.jpg
image007.jpg
image013.jpg
image001.png
image002.png
image003.gif
image004.jpg
image005.jpg
image014.jpg
image015.jpg

Hi Michael,

Following my previous email on this, please see below comments from the applicant's appointed highways consultant regarding the car parking demand for the change of use application at the George and Dragon Public House at Swanscombe:

"Croft have been forwarded the Transport Technical Note produced by DHA on behalf of the Ebbsfleet Development Corporation, this email will respond to the comments which requests the following;

'Based on the information presented, it is not possible to confirm the appropriateness of the proposed on-site parking provision. As such, it is recommended that a 'first principles' assessment of the likely peak order periods (for both deliveries and collection) and the associated parking demand is completed. This will enable an informed decision to be taken on this aspect of the scheme.'

It should be noted that the information contained within the submitted Transport Note is based on first principles and experience of the applicant and Croft of other developments of this type. The information contained within the submitted note has been considered and accepted by the Planning Inspectorate and therefore based on our experience provides an accurate assessment of the likely characteristics of the development. It is also important to note that the local highway authority (Kent County Council) offered no objections to the planning application.

Following on from the submission of the planning application it can now be confirmed that the unit will be operated by Domino's as a Takeaway unit. Domino's ensures that traffic impact is kept to a minimum by taking the majority of orders by telephone or via the internet and delivering them to the customers addresses, minimising the number of visitors to the shop. From experience the split is typically 61% of total trade is deliveries whilst the remaining 39% are store collections.

In terms of the peak periods for Domino's store the peak periods for existing stores occurs from 1700 hours to 2000 hours.

With regard to parking demand, information provided by the applicant indicates that the proposed Domino's unit will be have the following staffing levels. The staffing levels are based on the applicants experience of other Domino's units.

- *Full Time – 3 – 4 staff members*
- *Part Time – 7-8*
- *Delivery Drivers – 13 Part time (due to seasonal, holiday periods and special promotional periods.)*

The above staffing levels are based on experience of other units within this region. Table 1 below summarises a Friday rota for a Domino's of the size of the one proposed, Friday has been provided as this is one of the peak days for trade.

Staff Member	Start Time	Finish Time
Manager	10:30	23:00 (Close)
Instore 1	16:00	20:00
Instore 2	17:00	21:50
Instore 4	17:00	21:00
Instore 4	17:00	20:00
Instore 5	18:00	21:00
Instore 6	18:00	23:00 (Close)
Driver 1	10:30	20:00
Driver 2	14:00	20:00
Driver 3	16:00	20:00
Driver 4	17:30	21:00
Driver 5	17:30	21:00
Driver 6	17:30	22:00
Driver 7	17:30	22:00
Driver 8	17:30	23:00 (Close)

Table 1 – Typical Domino's Rota for Friday

As can be seen from the above table the maximum number of staff employed on the site on typical Friday would be 15 staff members. It should be noted that given the demographics of Domino's employees a proportion will not drive to work i.e. get lift from parents/guardian.

In addition, experience at other units has indicated that informal staff car sharing due to the shift patterns at existing Domino's store. Domino's always try to employ local staff members where possible and giving the sites location within Swanscombe there is the potential for a large proportion of staff members to travel to and from work by sustainable modes and not by the private car. Therefore, other than the delivery drivers, the level of staff vehicle trips to and from the site will be extremely low as will demand for parking.

With regard delivery drivers, a maximum of circa 8 delivery drivers will be working during the evening peak from 1730 hours onwards and these will undertake multiple deliveries. Clearly not all of these drivers would be on site at the same time as they will be off-site undertaking deliveries, on average a driver visit to a store is between 2 to 3 minutes and therefore the requirement for parking for delivery vehicles is not expected to exceed 3 to 4 spaces (even this will be rare).

Therefore, if robustness, it is assumed that 3 delivery vehicles were on site at one time and 2 store staff (50% of total) drove to work that would equate to 6 spaces being occupied, this would result in a total of 3 spaces being left for customers, based on the Treochy Appeal decision this would be sufficient to accommodate demand even in this unlikely and robust scenario.

Based on the above it is concluded that proposed car parking provision is more than sufficient to accommodate the demand generated by the proposed development and the prosoals will not result in a severe impact on the operation of the local highway network."

I trust that the above will be taken into consideration in the determination of the application.

Look forward to hearing from you soon.

Kind regards

Fergus Sykes
Principal Planner
Pegasus Group
PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | HERITAGE
First Floor | South Wing | Equinox North | Great Park Road | Almondsbury | Bristol | BS32 4QL
T 01454 625945 | **E** fergus.sykes@pegasusgroup.co.uk
M 07920 811839 | **DD** 01454 454098 | **EXT** 2018

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | East Midlands | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough | Dublin

www.pegasusgroup.co.uk

Pegasus Group is the trading name of Pegasus Planning Group Ltd [07277000] registered in England and Wales.
This email and any associated files, is intended for the exclusive use of the addressee only.
If you are not the intended recipient you should not use the contents nor disclose them to any other person.
If you have received this message in error please notify us immediately. We have updated our Privacy Statement in line with the GDPR; please click here to view it.

Please consider the environment before printing this email message.
IMPORTANT INFORMATION REGARDING PEGASUS GROUP & CORONAVIRUS / COVID-19

From: Fergus Sykes
Sent: 11 June 2020 15:18
To: Michael Fishpool <Michael.Fishpool@ebbsfleetdc.org.uk>
Cc: Emma Morrison <emma.morrison@pegasusgroup.co.uk>
Subject: RE: George and Dragon, London Road, Swanscombe, DA10 0LQ

Hi Michael,

Thank you for your email last week, although you will appreciate that this is very disappointing. It is understood that you feel there is insufficient time to consider additional information at this stage but we would still like to make the following comments to the points raised as follows.

In terms of the marketing of the site, the level of marketing undertaken has been set out within the marketing report. The price quoted uses The Alma as an example of another related property that has been sold, but as stated, the valuation of the property did not rely on this value in setting the price for the George and Dragon. This link has been overstated in your response. The marketing update of 3 March 2020 provides a full list of the marketing activity for the site which is considered to be

APPENDIX 2

Appeal Decisions

The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 23/04/18

gan P J Davies BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad : 10 Mai 2018

Appeal Decision

Site visit made on 23/04/18

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date : 10 May 2018

Appeal Ref: APP/L6940/A/18/3193479

Site address: HSBC, 11 High Street, Treorchy, CF42 6AG

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by PTB Properties Ltd against the decision of Rhondda Cynon Taf County Borough Council.
- The application Ref 16/1066/10, dated 27 September 2016, was refused by notice dated 24 July 2017.
- The development proposed is a change of use from bank (A2) to hot food takeaway (Class A3) and installation of extraction / ventilation equipment.

Decision

1. The appeal is allowed and planning permission is granted for a change of use from bank (A2) to hot food takeaway (Class A3) and installation of extraction / ventilation equipment at HSBC, 11 High Street, Treorchy, CF42 6AG in accordance with the terms of the application, Ref 16/1066/10, dated 27 September 2016, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on highway safety, having particular regard to the demand for parking.

Reasons

3. The appeal property is a former bank situated in Treorchy town centre adjacent to a main junction that is subject to high volumes of traffic. It is also on a strategic route for traffic connecting from various settlements in the Rhondda Valley. Within the vicinity of the site, there are double yellow line parking restrictions around the signal controlled junction and extending along High Street on both sides of the road. There are also parking restrictions and residential permit zones on adjoining streets. The closest available parking for customers of the proposed development would be on a short section of Chapel Street, which is limited to one hour waiting between 9am and 5.30pm for non-permit holders. Parking provision is therefore very limited close to the site and I observed a high demand for spaces.

4. I share the view that take away customers will generally try and park as close to the premises as possible because they are encouraged by the short term nature of the visit and a desire to keep food hot. Nonetheless, any retail or office use of the building would generate parking demand, and services such as cashpoints or a general convenience store can also attract short term visits. Using TRICS trip rate database, the appellant has made a comparison between trip rates for A1/A2 and A3 uses and concludes that a permitted A1 use would be likely to generate an equal or potentially higher number of vehicular trips. This is not challenged by the Council and I have no reason to disagree with this assessment. In terms of parking demand, the Council does not quantify what it considers to be a greater intensity of short-term on-street parking arising from the proposal. Evidence from the appellant however substantiates that a worst case scenario would be a parking requirement of 2 -3 spaces at any one time. There are also other considerations affecting parking behaviour and demand that should be weighed in the balance.

5. There are parking restrictions in place to prevent illegal parking and to safeguard provision for residents. From the representations received it would appear that these parking restrictions are not being fully enforced, but that is a separate matter for the relevant enforcement authority. It remains the case that there are provisions in place to ensure the effective control of parking. Moreover, because of the busy traffic flows on High Street and having regard to the signal controlled junction, it would be clearly obvious to most drivers that parking on the restricted sections of the highway would cause serious obstruction to the free flow of traffic in an illegal and anti-social manner. In my view, this would be a significant deterrent for most drivers. Similarly, whilst the Council provide a photo of a large HGV delivering to another Domino premises, the highway and parking conditions would deter deliveries by large vehicles. For these reasons I consider that most drivers would be discouraged from parking on the double yellow lines near the site, even for a very short time. I note the advice in 4.13 of Technical Advice Note (TAN) 18 'Transport' that permission should be refused for developments where despite controlled parking, unacceptable road safety or congestion issues will probably remain. However this is aimed at new development whereas the proposal before me concerns an existing building where any use will generate parking demand.

6. The appeal property is within a shopping centre with a public car park approximately 200 metres away. It is a short level walk to the appeal property with formal pedestrian crossings over High Street, and I have no reason to believe that most customers would not use it. Some customers are likely to share trips to the take away facility with other journeys to the centre, and given its proximity to a residential area, it is also not unreasonable to expect some journeys to be made locally on foot. Moreover, the provision of a delivery service would be likely to reduce car journeys to the site. The evidence indicates that Friday, Saturday and Sunday evenings around 7-8pm are busiest for other similar take away facilities operated by the appellant and I have no reason to doubt that this would not be typical of most take away providers generally. During these times when many shops will be closed, there would invariably be less demand for the on street parking spaces that exist on High Street a short distance from the appeal site. The appeal property also benefits from a small service yard to the rear for some albeit limited off-street parking for staff.

7. On balance I consider that it has not been demonstrated that the proposal would result in any material increase in the demand for parking or cause any significant risk to highway safety or residential amenity arising from poor parking behaviour. I therefore find no conflict with the objectives of Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Conditions

8. I have had regard to the Council's suggested conditions. In addition to the time commencement and plans compliance conditions, I have attached conditions relating to HGV deliveries and an amendment to a Traffic Regulation Order in the interests of highway safety. Conditions relating to odour/fume control and waste fats/oil disposal are also necessary to ensure that there is no detriment to residential or environmental amenity.

Other Matters

9. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Conclusions

10. For the above reasons and having regard to all other matters raised, the appeal is allowed.

P J Davies

INSPECTOR

Schedule of Conditions

1) The development shall begin not later than five years from the date of this decision.

2) The development shall be carried out in accordance with the following approved plans and documents:B9217-AEW-16063-ZZ-DR-0003; B9217-AEW-16063-ZZ-DR-0004; B9217-AEW-16063-XX-DR-0005; B9217-AEW-16063-XX-DR-0006.

3) No HGV delivery shall take place between the hours of 0700-1000 and 1500 – 1900 on any day of the week.

4) The development shall not be brought into beneficial use until an amendment to the Traffic Regulation Order (TRO) along Chapel Street to safeguard access to the rear parking area has been completed in accordance with details to be approved in writing by the local planning authority.

5) Prior to the commencement of the use hereby permitted, a scheme of odour/effluvia/fume control shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

6) Prior to the commencement of the use hereby permitted, details of a system to prevent waste cooking oil, fats, grease and solid waste from entering the foul drainage system shall be submitted to and agreed in writing by the local planning authority. The use shall thereafter be carried out in accordance with the approved details.

The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 23/04/18

gan P J Davies BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad : 10 Mai 2018

Appeal Decision

Site visit made on 23/04/18

by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date : 10 May 2018

Cyf yr apêl: APP/L6940/A/18/3193479

Cyfeiriad y safle: HSBC, 11 Stryd Fawr, Treorci, CF42 6AG

Mae Gweinidogion Cymru wedi trosglwyddo'r awdurdod i benderfynu ar yr apêl hon i mi fel yr Arolygydd penodedig.

- Gwneir yr apêl o dan adran 78 Deddf Cynllunio Gwlad a Thref 1990 yn erbyn gwrthod rhoi caniatâd cynllunio.
- Gwneir yr apêl gan PTB Properties Ltd yn erbyn y penderfyniad gan Gyngor Bwrdeistref Sirol Rhondda Cynon Taf.
- Gwrthodwyd y cais, Cyf 16/1066/10, dyddiedig 27 Medi 2016, drwy hysbysiad dyddiedig 24 Gorffennaf 2017.
- Y datblygiad a gynigir yw newid defnydd o fanc (A2) i siop fwyd poeth tecawê (Dosbarth A3) a gosod offer tynnu aer / awyru.

Penderfyniad

1. Caniateir yr apêl a rhoddir caniatâd cynllunio ar gyfer newid defnydd o fanc (A2) i siop fwyd poeth tecawê (Dosbarth A3) a gosod offer tynnu aer / awyru yn HSBC, 11 Stryd Fawr, Treorci, CF42 6AG yn unol â thelerau'r cais, Cyf 16/1066/10, dyddiedig 27 Medi 2016, yn amodol ar yr amodau a osodir allan yn y rhestr atodedig.

Prif Fater

2. Y prif fater yw effaith y cynnig ar ddiogelwch ar y ffyrdd, gan roi sylw arbennig i'r galw am barcio.

Rhesymau

3. Mae eiddo'r apêl yn fanc blaenorol wedi'i leoli yng nghanol tref Treorci ger prif gyffordd lle ceir llawer iawn o draffig. Hefyd, mae ar lwybr strategol ar gyfer traffig sy'n cysylltu gwahanol aneddiadau yng Nghwm Rhondda. Yng nghyffiniau'r safle, ceir cyfyngiadau parcio ar ffurf llinellau melyn dwbl o amgylch y gyffordd a reolir gan signalau ac mae'r rhain yn ymestyn ar hyd y Stryd Fawr ar ddwy ochr y ffordd. Yn ogystal, ceir cyfyngiadau parcio a pharthau trwyddedau preswyl mewn strydoedd cyfagos. Ceir y mannau parcio agosaf a fyddai ar gael i gwsmeriaid y datblygiad a gynigir ar ran fer o Chapel Street, sy'n gyfyngedig i un awr o aros rhwng 9am a 5.30pm ar gyfer pobl heb drwyddedau. Felly, mae'r ddarpariaeth barcio yn gyfyngedig iawn ger y safle a sylwais fod galw mawr am leoedd.

4. Rwy'n rhannu'r farn y bydd cwsmeriaid, yn gyffredinol, yn ceisio parcio mor agos i'r safle ag y bo modd oherwydd cânt eu hannog gan natur fyrdymor yr ymweliad ac awydd i gadw bwyd yn boeth. Serch hynny, byddai unrhyw ddefnydd manwerthu neu swyddfa yn yr adeilad yn creu galw am barcio, ac mae gwasanaethau fel peiriannau arian parod neu siop gyfleustra gyffredinol yn gallu denu ymweliadau tymor byr hefyd. Gan ddefnyddio cronfa ddata cyfraddau teithiau TRICS, mae'r apelydd wedi gwneud cymhariaeth rhwng cyfraddau teithiau ar gyfer defnyddiau A1/A2 ac A3 a daw i'r casgliad y byddai defnydd A1 a ganiateir yn debygol o achosi nifer cyfartal neu o bosibl nifer mwy o deithiau cerbydau. Nid yw'r Cyngor yn herio hyn ac nid oes gennyf unrhyw reswm i anghytuno â'r asesiad hwn. O ran y galw am barcio, nid yw'r Cyngor yn mesur yr hyn y maent yn ei ystyried fel dwysedd uwch o barcio ar y stryd yn y tymor byr a fyddai'n deillio o'r cynnig. Fodd bynnag, mae tystiolaeth gan yr apelydd yn cadarnhau mai'r senario gwaethaf fyddai gofyniad parcio am 2 -3 o leoedd ar unrhyw adeg. Hefyd, mae ystyriaethau eraill sy'n effeithio ar ymddygiad parcio a'r galw am barcio a dylid pwyso a mesur y rhain.

5. Mae cyfyngiadau parcio ar waith i atal parcio anghyfreithlon ac i ddiogelu darpariaeth ar gyfer trigolion. O'r sylwadau a dderbyniwyd, mae'n ymddangos nad yw'r cyfyngiadau parcio'n cael eu gorfodi'n llawn, ond mae hyn yn fater ar wahân ar gyfer yr awdurdod gorfodi perthnasol. Mae'n parhau'n wir fod darpariaethau ar waith i sicrhau rheolaeth effeithiol ar barcio. Ar ben hynny, oherwydd y llifoedd prysur o draffig ar y Stryd Fawr a gan ystyried y gyffordd a reolir gan signalau, byddai'n hollol eglur i'r rhan fwyaf o yrwyr y byddai parcio ar y rhannau cyfyngedig o'r briffordd yn achosi rhwystr difrifol i lif rhydd y traffig mewn ffordd anghyfreithlon a gwrthgymdeithasol. Yn fy marn i, byddai hyn yn rhwystr sylweddol i'r rhan fwyaf o yrwyr. Yn yr un modd, er bod y Cyngor wedi darparu llun o gerbyd nwyddau trwm mawr yn cyflenwi adeilad Domino arall, byddai'r amgylchiadau o ran ffyrdd a pharcio yn rhwystro cyflenwi gan gerbydau mawr. Am y rhesymau hyn, rwyf o'r farn y byddai'r rhan fwyaf o yrwyr yn penderfynu peidio â pharcio ar y llinellau melyn dwbl ger y safle, hyd yn oed am gyfnod byr iawn. Nodaf y cyngor ym mharagraff 4.13 Nodyn Cyngor Technegol (TAN) 18 'Trafnidiaeth' y dylid gwrthod caniatâd ar gyfer datblygiadau lle mae'n debyg y bydd materion annerbyniol yn ymwneud â diogelwch y ffordd neu dagfeydd heb eu datrys o hyd er gwaethaf parcio rheoledig. Fodd bynnag, cyfeiria hyn at ddatblygiadau newydd, ond mae'r cynnig sydd ger fy mron yn ymwneud ag adeilad sy'n bodoli lle byddai unrhyw ddefnydd yn creu galw am barcio.

6. Mae eiddo'r apêl o fewn canolfan siopa gyda maes parcio cyhoeddus tua 200 metr i ffwrdd. Mae'n daith gerdded fer a gwastad i eiddo'r apêl gyda chroesfannau ffurfiol ar gyfer cerddwyr ar draws y Stryd Fawr, ac nid oes gennyf unrhyw reswm i gredu na fyddai'r rhan fwyaf o gwsmeriaid yn ei ddefnyddio. Mae rhai cwsmeriaid yn debygol o rannu teithiau i'r cyfleuster tecawê â theithiau eraill i'r ganolfan, ac o ystyried yr agosrwydd at ardal breswyl, nid yw'n afresymol i ddisgwyl i rai teithiau gael eu gwneud yn lleol ar droed. Ar ben hynny, byddai darparu gwasanaeth cyflenwi yn debygol o leihau teithiau ceir i'r safle. Mae'r dystiolaeth yn dangos mai nosweithiau Gwener, Sadwrn a Sul o gwmpas 7-8pm sydd fwyaf prysur i gyfleusterau bwyd tecawê tebyg a weithredir gan yr apelydd ac nid oes gennyf unrhyw reswm i amau na fyddai hyn yn nodweddiadol i'r rhan fwyaf o ddarparwyr bwyd tecawê yn gyffredinol. Yn ystod yr amseroedd hyn pan fydd nifer o siopau ar gau, mae'n anochel y bydd llai o alw am y mannau parcio ar y stryd sy'n bodoli ar y Stryd Fawr ychydig bellter o safle'r apêl. Hefyd, mae gan eiddo'r apêl iard wasanaeth fach yn y cefn sydd â nifer cyfyngedig o fannau parcio oddi ar y stryd ar gyfer staff.

7. Yn gyffredinol, rwyf o'r farn na ddangoswyd y byddai'r cynnig yn arwain at unrhyw gynnydd sylweddol yn y galw am barcio nac yn achosi unrhyw risg sylweddol i ddiogelwch ar y ffyrdd neu i amwynder preswyl a fyddai'n deillio o ymddygiad parcio gwael. Felly, nid welaf unrhyw wrthdaro ag amcanion Polisi AW5 Cynllun Datblygu Lleol Rhondda Cynon Taf.

Amodau

8. Rwyf wedi ystyried yr amodau a awgrymir gan y Cyngor. Yn ogystal â'r amodau yn ymwneud ag amser cychwyn a chydymffurfio â chynlluniau, rwyf wedi atodi amodau sy'n ymwneud â chyflenwi gan gerbydau nwyddau trwm a diwygiad i Orchymyn Rheoleiddio Traffig er budd diogelwch ar y ffyrdd. Hefyd, mae amodau yn ymwneud â rheoli arogl/mygdarth a braster gwastraff/gwaredu olew yn angenrheidiol er mwyn sicrhau na fydd unrhyw amharu ar amwynderau preswyl neu amgylcheddol.

Materion Eraill

9. Wrth wneud fy mhenderfyniad, rwyf wedi ystyried gofynion adran 3 ac adran 5 Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015. Ystyriaf fod y penderfyniad hwn yn unol ag egwyddor datblygu cynaliadwy'r Ddeddf trwy ei gyfraniad tuag at un neu fwy o amcanion llesiant Gweinidogion Cymru a osodir allan fel sy'n ofynnol gan adran 8 y Ddeddf.

Casgliadau

10. Am y rhesymau uchod ac ar ôl ystyried yr holl faterion eraill a godwyd, caniateir yr apêl.

P J Davies

AROLYGYDD

Rhestr o Amodau

1) Cychwynnir y datblygiad heb fod yn hwyrach na phum mlynedd o ddyddiad y penderfyniad hwn.

2) Gweithredir y datblygiad yn unol â'r cynlluniau a dogfennau cymeradwy canlynol: B9217-AEW-16063-ZZ-DR-0003; B9217-AEW-16063-ZZ-DR-0004; B9217-AEW-16063-XX-DR-0005; B9217-AEW-16063-XX-DR-0006.

3) Ni chaniateir unrhyw gyflenwi gan gerbydau nwyddau trwm rhwng oriau 0700 – 1000 a 1500 – 1900 ar unrhyw ddiwrnod o'r wythnos.

4) Ni chaiff y datblygiad ei ddefnyddio'n fuddiol hyd nes y cwblheir diwygiad i'r Gorchymyn Rheoleiddio Traffig ar hyd Chapel Street er mwyn diogelu mynediad i'r man parcio yn y cefn, yn unol â manylion i'w cymeradwyo'n ysgrifenedig gan yr awdurdod cynllunio lleol.

5) Cyn cychwyn ar y defnydd a ganiateir drwy hyn, rhaid i gynllun ar gyfer rheoli arogleuon/drewdod/mygdarth gael ei gyflwyno i'r awdurdod cynllunio lleol a'i gymeradwyo'n ysgrifenedig ganddynt. Wedi hynny, gweithredir y datblygiad yn unol â'r manylion a gymeradwyir.

6) Cyn cychwyn ar y defnydd a ganiateir drwy hyn, rhaid i fanylion system ar gyfer atal olew coginio, brasterau, saim a gwastraff solet rhag mynd i mewn i'r system ddraenio dŵr budr gael eu cyflwyno i'r awdurdod cynllunio lleol a'u cytuno'n ysgrifenedig ganddynt. Wedi hynny, gweithredir y datblygiad yn unol â'r manylion a gymeradwyir.

The Planning Inspectorate

Appeal Decision

Site visit made on 13 November 2012

by Peter Willows BA DipUED MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 November 2012

Appeal Ref: APP/Z0116/A/12/2176015
92 Bedminster Parade, Bristol, BS3 4HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Dominos Pizza UK and Ireland Ltd against the decision of Bristol City Council.
- The application Ref 11/05363/F, dated 20 December 2011, was refused by notice dated 28 February 2012.
- The development proposed is change of use from Class A3 (Restaurants) to Class A5 (takeaway); erection of new shopfront; and installation of extraction duct/ventilation to the rear.

Decision

1. The appeal is allowed and planning permission is granted for change of use from Class A3 (Restaurants) to Class A5 (takeaway); erection of new shopfront; and installation of extraction duct/ventilation to the rear at 92 Bedminster Parade, Bristol, BS3 4HL in accordance with the terms of the application, Ref 11/05363/F, dated 20 December 2011, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the development on road safety and the safety of pedestrians.

Reasons

3. The appeal building is currently vacant. The previous use of the building is not clear, although planning permission for change of use to a restaurant was granted in 2007. The Council's concerns regarding the use now proposed focus on the possibility of indiscriminate parking on the main road near to the unit, where the Council considers that vehicles could obstruct the nearby light-controlled pedestrian crossing and thereby compromise road safety.

4. It is clear that spaces on the main road outside the appeal unit are very limited, the section of road closest to the unit falling within the controlled area for the crossing. Yet the key trading hours for a takeaway use are likely to be in the evening and the appellant estimates that there are around 145 spaces available within 200m of the site after 18.30. From the information before me and my inspection of the area, I have no reason to doubt that figure. In my judgement, many people would not consider this an unreasonable distance to park from the unit. While I appreciate that local residents will wish to park in

many of the available spaces in the evening, most shops will have ceased trading by that time of day, which would ease pressure on spaces. Thus while the local parking situation is not ideal, it does not strike me as being unduly restrictive in a town centre location of this type.

5. Turning to the question of demand for spaces, the appellant advises that an existing Dominos store at Whiteladies Road, Bristol, generated around 86 orders during the peak trading hour when surveyed recently. Yet this translated into only 23 over-the-counter orders and 42 visiting customers on account of the large number of orders for home delivery. Moreover, over half of those visiting the outlet did so on foot, with only 29% driving and 7% travelling as car passengers.

6. I treat this comparison with a degree of caution, since I have only limited information regarding the Whiteladies Road outlet. Nevertheless, I understand that it is in a location with some similarities with the appeal site and I regard it as the clearest evidence before me regarding likely trading at the proposed unit. While planning permissions run with the land, it appears probable that Dominos would use the appeal unit at least in the first instance. Accordingly, I attach some weight to this evidence. In particular, it seems probable to me that a Dominos at the appeal unit would rely heavily on home delivery, thus limiting visits to the premises and the demand for parking spaces there.

7. Moreover, the appeal unit is in a sustainable location within an established centre, with bus stops directly opposite. Consequently, it appears probable to me that a significant number of customers would walk or travel via public transport. The survey at the Whiteladies Road unit suggests that such a view is not unrealistic. It also seems to me that a central location of this type accords with policy BSC10 of the adopted Core Strategy inasmuch as the policy encourages development to be located where sustainable travel patterns can be achieved.

8. Of course, some people might be tempted to park as close as possible to the unit, ignoring traffic restrictions. Yet the appellant's evidence indicates that customers spend about 5-10 minutes within a Dominos unit on average. It seems to me that most people would be reluctant to park in a hazardous location for this length of time, given that there appear to be reasonable opportunities to park in the general area.

9. I have noted the Council's concerns that delivery vehicles, which the appellant indicates would be mopeds, could pose an additional hazard at the front of the building. However, the unit has a rear service yard which delivery vehicles could use, notwithstanding that it is reached via a cobbled road surface. I agree with the appellant that a management plan could satisfactorily control deliveries, including ensuring that the rear access is used, and could be required by a planning condition.

10. I appreciate that the Council's Policy Advice Note 17 (PAN17) expressly rules out hot food takeaway uses such as this where they are close to pedestrian crossing facilities. However, the document was published in 1999, prior to the National Planning Policy Framework and the Council's Core Strategy, and I have no details regarding how the document was prepared or whether it was subject to public consultation. Accordingly, I attach only limited weight to it, and have considered the proposal before me on its merits.

11. Overall the evidence before me does not show that the change of use proposed would result in excessive numbers of car visits to the unit or parking in unsuitable locations on the road outside it. I therefore conclude that the development would not compromise road safety or the safety of pedestrians. Consequently, I find no conflict with policies M1 (Transport) or S8 (Food and Drink Uses) of the adopted Bristol Local Plan, or with policy BSC10 (Transport and Access Improvements) of the adopted Bristol Development Framework Core Strategy.

Other matters

12. The proposal includes a new shop front and other physical works. However, the Council raises no objection to the proposal on this basis and I see no reason to come to a contrary view. Accordingly, I conclude that the Bedminster Conservation Area, within which the appeal property lies, would be preserved, as would the setting of the adjacent Grade II listed Nat West bank.

Conclusion

13. For the reasons set out above I conclude that the appeal should be allowed. I have attached a condition specifying the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions 3, 4, 5 and 6 are necessary to protect the living conditions of nearby residents. Conditions 7 and 8 are imposed in the interests of road safety.

14. The evidence before me does not show that the use or machinery associated with it is likely to generate excessive noise. Therefore, given the unit's town centre location and the restriction of opening hours in Condition 6, I am not persuaded that further conditions relating to noise assessment and mitigation are necessary. Nor do I consider an odour management plan to be needed, given the requirements of Condition 3.

Peter Willows

INSPECTOR

CONDITIONS

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4711-A5-01 A; 4711-A5-02 A; 4711-BP08 AA; 4711-BP09.

3) Before the commencement of any works, a scheme showing details of the means of ventilation and dispersal of cooking odours/fumes from the premises, sound attenuation measures associated with the means of ventilation and odour/fume extraction, the position and finish of any external flues or external air conditioning plant and a programme of operation and equipment maintenance for all installed equipment shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed in its entirety before the first use of the premises hereby permitted and thereafter shall be retained, maintained and operated in accordance with the approved details

4) The use hereby permitted shall not commence until the area proposed for storing refuse/recyclable materials has been completed in accordance with the approved plans. Thereafter all refuse and recyclable materials associated with the development shall be stored within this dedicated area or within the building.

5) The collection of refuse and recyclable materials and the tipping of empty bottles into external receptacles shall only take place between 08.00 - 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

6) The use hereby permitted shall not be open to customers outside 09.00 to midnight, 7 days a week.

7) The use hereby permitted shall not commence until a delivery management plan, to include details of the method of deliveries to customers, delivery vehicle types and arrangements for accessing the appeal property and parking at it, has been submitted to and approved in writing by the local planning authority. Deliveries from the property shall be managed in full accordance with the approved delivery management plan at all times.

8) The use hereby permitted shall not commence until details of the proposals for servicing and refuse collection at the unit have been submitted to and approved in writing by the local planning authority. Servicing and refuse collection shall be carried out in full accordance with the approved details at all times thereafter.